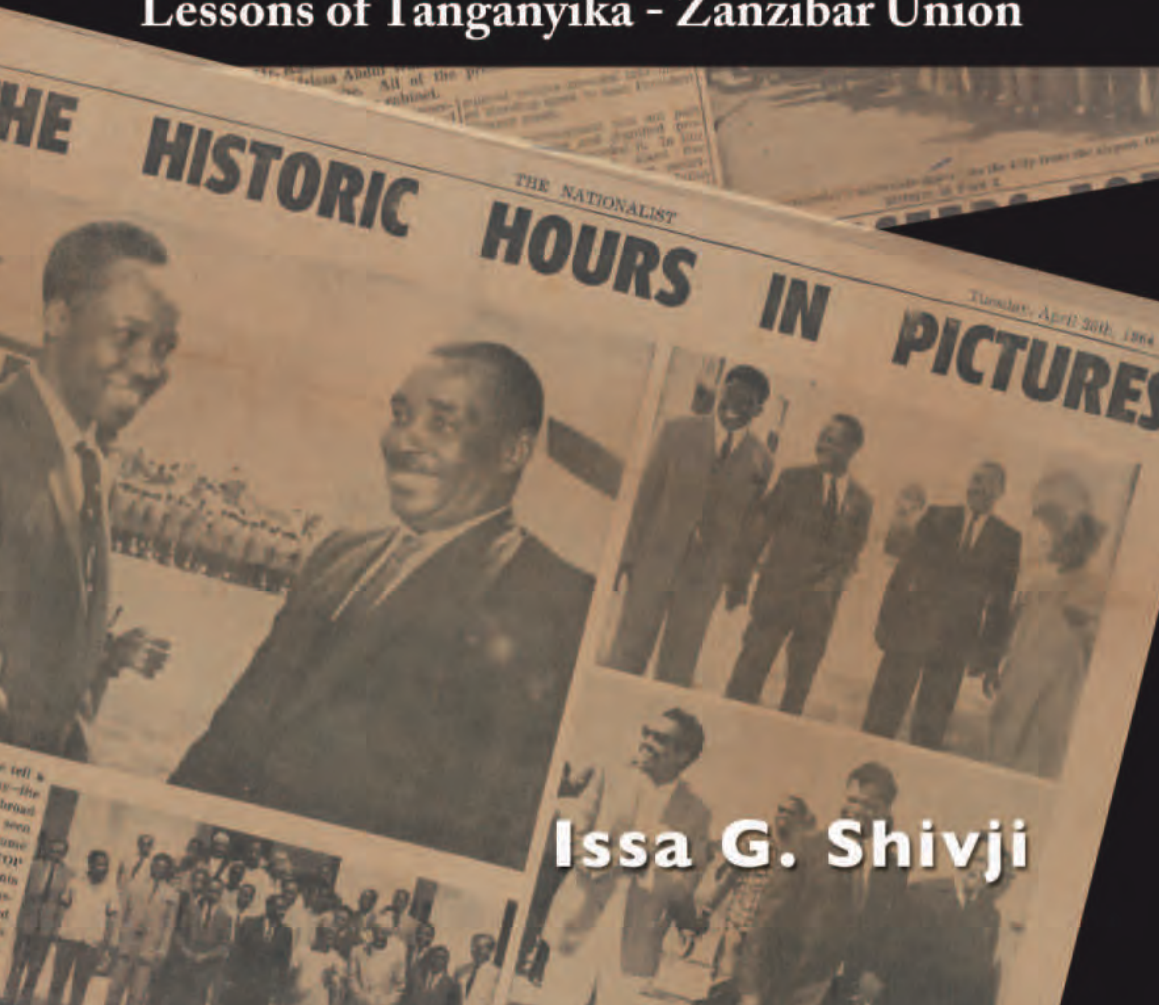


Pan-Africanism or Pragmatism?



Lessons of Tanganyika - Zanzibar Union



Issa G. Shivji

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**PAN-AFRICANISM
OR
PRAGMATISM?**

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*Lessons of the
Tanganyika–Zanzibar Union*

Issa G. Shivji



Organisation for Social Science
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ABBREVIATIONS

ASP	Afro-Shirazi Party
ASPYL	Afro-Shirazi Party Youth League
ASU	Afro-Shirazi Union
AU	African Union
BoT	Bank of Tanzania
CCM	<i>Chama cha Mapinduzi</i>
CC	Central Committee of CCM
CIA	Central Intelligence Agency (US spy agency)
CODESRIA	Council for the Development and Social Science Research in Africa
CUF	Civic United Front
EACB	East African Currency Board
EACSO	East African Common Services Organisation
EAF	East African Federation
FGR	Federal German Republic
GDR	German Democratic Republic
GN	Government or General Notice depending on its purpose
IMF	International Monetary Fund
LEGCO	Legislative Council
MP	Member of Parliament
NEC	National Executive Committee of CCM
NEPAD	New Economic Partnership for African Development
NPSS	National Party of the Subjects of Sultan
OAU	Organisation of African Unity
OSSREA	Organisation for Social Science Research in Eastern and Southern Africa

PAFMECA	Pan-African Freedom Movement of Eastern and Central Africa
PAFMESCA	Pan-African Freedom Movement for Eastern, Southern and Central Africa
PLA	People's Liberation Army (of the People's Republic of Zanzibar)
PRO	Public Records Office (UK)
SMZ	Serikali ya Mapinduzi, Zanzibar (Revolutionary Government of Zanzibar)
TAA	Tanganyika African Association
TANU	Tanganyika African National Union
TPDF	Tanzania People's Defense Forces
UK	United Kingdom
U. R.	United Republic
US	United States
USA	United States of Africa
WHO	World Health Organisation
YAU	Young African Union
ZA	Zanzibar Archives
ZNP	Zanzibar Nationalist Party
ZNU	Zanzibar National Union
ZPPP	Zanzibar and Pemba People's Party

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PREFACE

The Pan-Africanist debate is back on the historical agenda. The stresses and strains in the union of Tanganyika and Zanzibar since its formation some forty years ago are not showing any sign of abating. Meanwhile, imperialism under new forms and labels continues to bedevil the continent in ever-aggressive, if subtle, ways. The political federation of East Africa, which was one of the main spin-offs of the Pan-Africanism of the nationalist period, is reappearing on the political stage, albeit in a distorted form of regional integration. It is in this context that the present study is situated.

When I embarked on this study under the sponsorship of OSS-REA some four years ago, it had a very limited scope. The purpose was to address the constitutional foundations of the Tanzanian union and explore the role of courts in resolving disputes between the associating states. As the study proceeded, it became clear to me that constitutional and union issues could not be addressed outside the political context and the historical trajectory of the Union. The resurrection of the Pan-African and East African federation debates further brought home the importance of studying the Union in its wider context from the standpoint of Pan-Africanism. This is what I have tried to do in the book.

In more than one way, the Tanganyika-Zanzibar union displays important contradictions and contestations of the proposed continent-wide African union: nationalism versus Pan-Africanism, racial versus cultural nationalism, historical versus political identities, diversities of race, religion, culture versus their politicisation and its results. The Tanganyika-Zanzibar association also provides excellent material for the study of the role of constitutionalism in federalism. These are then the interrelated aspects of the Union question addressed in the book. It is my hope that the study offers

important lessons and raises pertinent questions for the new Pan-Africanist debate, which, I believe, will be the central theme in the political and intellectual discourses of this century.

Issa G. Shivji
November, 2007

INTRODUCTION

The Union of Tanganyika and Zanzibar was born in the midst of debates on Pan-Africanism and in the thick of the Cold War. To this day, the Union carries its birthmarks, more of the latter than the former. The Union is the only surviving example of a political association of African sovereign states. Friends and foes alike often cite it as an exemplar of Pan-Africanist unity or an illustration of its failure. While there is considerable literature on the Union, there is no serious study of the Union from a Pan-Africanist standpoint. Yet, the Union provides valuable and enduring lessons – whether positive or negative – for African Unity and Pan-Africanism.

As globalisation entangles the continent in its web, there is a resurgence of African nationalism, as a form of both resistance to and reconciliation with imperialism. Narrow chauvinist nationalisms based on race, ethnicity or territory are on the rise within and between African countries leading to wars and civil strife. The continent is in turmoil. Imperialism feeds on it like a vulture; power hungry elite worsen it as they thoughtlessly implement their masters' military designs and economic schemes. The first-generation African nationalists feared that left on their own African states would become pawns on the imperialist chessboard. They pleaded for African Unity with little success witnessing their fears materialising in their lifetime. Some, like Nkrumah, became victims of imperialist machinations; others, like Nyerere, survived by practising pragmatism while preaching Pan-Africanism. Nonetheless, they were great visionaries, and like all visionaries, their legacy lies in their vision more than in their practice. While appropriating their

vision, we need to examine their practice critically to draw lessons. Vision inspires, practice teaches.

In this age of post-Cold War imperialism, called globalisation, African Unity is back on the historical agenda. African scholars and intellectuals are revisiting and deepening the theory, philosophy and ideology of Pan-Africanism.¹ African politicians are trying to reclaim the mantle of Pan-Africanism to gain legitimacy for their projects, whether it is President Mbeki of South Africa with his initiative on NEPAD or President Mummar Gaddafi of Libya with his mission for USA (United States of Africa) or President Museveni of Uganda with his 'fast-tracking' of East African Federation. They are all at the helm of their states. They all appear to be 'willing partners' in the military and economic architecture of globalisation. Are they a 'new breed' of Pan-Africanists? Are they visionaries like Nkrumah and Nyerere? Is theirs a vision of liberation or a delusion of glory? We need to ask and answer these questions from the standpoint of Pan-Africanism and avoid falling into narrow nationalisms. The current discourse among African elite, regrettably, tends to fall into what Nyerere called the 'wounds inflicted upon it [Africa] by the vultures of imperialism.'² Gaddafi's 'African Union' is opposed because he is perceived to represent 'Arab colonisers' who invaded Africa some six centuries before Christ; Museveni's fast-tracking of the East African federation is opposed because he has a hidden agenda to become the first president of East Africa. Kenya is overzealous for the federation because it has economic designs over Tanzania's land and jobs, and so on.³ The Pan-Africanist project was not conceived so narrowly. It

¹ Pan-Africanism was the main theme of CODESRIA's major Conference on its 30th Anniversary. CODESRIA is the premier Pan-African research organisation and provides an important forum for African scholars and intellectuals. Its formation was conceived in the womb of Pan-Africanist and anti-imperialist ideology.

² Nyerere 1997.

³ One often reads these arguments in the pages of African newspapers. For example, the debate on the fast tracking of East African federation has been woefully immersed in narrow nationalisms. See, for instance, Waiswa Abudu Sallam, 'When did Gaddafi begin caring about black Africans?', Tanonoka Joseph Whande, 'United States of Africa? You gotta be kidding.' Anon, 'The united Africa debate',

was premised on the concept of African citizenship, not on Kenyan, Ghanaian, Tanzanian or Algerian citizenship. It did not discriminate because of one's pigment; it embraced because of one's commitment.⁴

Pan-Africanism was, literally and figuratively, a continental project. It was a grand political vision, not a puny economic design. 'Unity will not make us automatically rich', Nyerere said, 'but it can make it difficult for Africa and the African peoples to be disregarded and humiliated.'⁵ The Pan-Africanist project was liberatory, anti-imperialist and democratic. To rebuild a new Pan-Africanist project in the age of globalisation, we need to understand its ideological drive and political practice. This study is meant to contribute to that understanding. The running thread of the study is to apply the yardstick of Pan-African ethos, one of whose leading proponents was Julius Nyerere, to the formation and development of the Union, whose ardent defender was none other than Nyerere. The purpose of the study is to draw lessons for 'New Pan-Africanism' from an actually existing political union of two African states.

Zanzibar on the eve of the revolution was a microcosm of the continent. Some perceived it as a melting pot of cultural diversities; others saw it as a hotbed of political divisions. All were correct, if one takes the position of the proverbial blind men and the elephant, but none could explain the elephant. To be able to explain, we need to see 'the elephant as a whole', to explore the connection between diversities and divisions. The premise of this study is that diversities become divisions precisely when they are politicised. Chapter 1 explains the politicisation of diversities, thus

all in THISDAY, 1 & 2 August 2007, 2 July 2007; Joseph Mihangwa, 'Africa's Unity: Arabs Have a Hidden Agenda', *The African Executive*, <http://www.africanexecutive.com/modules/magazine/articles.php?article=2437> also reproduced in *The Citizen*, 3 August 2007.

⁴ Nkrumah married an Egyptian lady, Fathia. It was a 'political' marriage, as their son Gamal Nkrumah attests in a tribute on her death. See Gamal Nkrumah, 'Fathia Nkrumah: Farewell Tranquility Never on the Agenda' at <http://www.nathanielturner.com/fathiankrumahfarewell.htm> accessed on 8 October 2007.

⁵ Nyerere 1997.

converting mutually enriching cultural identities into conflicting political interests. From a melting point of cultures, Zanzibar became a hotbed of politics, which boiled over in the revolution, the subject matter of Chapter 2. Instead of the usual narrative of what happened and who was involved, I attempt to characterise the revolution. While taking full account of the perceptions, even ex-post-facto analysis of the participants, I have tried to keep the distance of an intellectual activist to understand better the past and draw lessons for the future.

Chapter 3 discusses in some depth the context, which led to the signing of the Articles of Union. The Cold War had intensified with the Cuban missile crisis; negotiations on the East African federation were fizzling out as the leaders of the newly independent countries settled in the saddles of the state. Patrice Lumumba in the Congo was murdered; Sylvanus Olympio of Togo was assassinated; and the three East African countries themselves, including Tanganyika, had army mutinies which were put down with the help of the former colonial power, Britain. Nyerere came under irresistible pressure from Western powers to do something about Zanzibar lest it become another 'Cuba'. Secretly prepared Articles of Union modelled on the colonial-type relationship between Britain and Northern Ireland were signed hurriedly without fully consulting the members of the Revolutionary Council or the Tanganyika cabinet. The legal validity of the Articles has often been challenged on the ground that the then legislature of Zanzibar, the Revolutionary Council, did not ratify them. The chapter goes into a detailed analysis of the ratification process based on a synthesis of extant secondary and some primary evidence and arrives at a definitive conclusion, which, it is hoped, will put this controversy to rest.

In Chapter 4, we trace the constitutional and political developments of the Union during Karume's eight years in power. The Union was in a precarious state and it would have most probably dissolved had Karume not been assassinated in April 1972. Karume had little regard for legalese and ruled Zanzibar as if there had been no Union. Nyerere found himself politically helpless but with the help of his lawyers continued increasing the list of Union matters

thus legally constricting the autonomy of Zanzibar. Karume's death and Jumbe's ascension to power placed the Union on a different political and constitutional trajectory. Jumbe introduced some order in what had hitherto been an arbitrary rule. He also gradually began to open up political space, albeit cautiously. Nyerere lost no opportunity and tested the waters for a possibility of merging the two parties as early as 1975. Eventually the parties merged and the Chama cha Mapinduzi (CCM) was born followed immediately by the adoption of the permanent Union constitution. The making of the 1977 constitution and its implications are discussed in Chapter 5. The chapter also discusses the process of making the 1979 constitution of Zanzibar, the first constitution since the revolution. Based on new evidence, the chapter, for the first time, is able to throw significant light on Jumbe's thinking behind, and his role in the making of the 1979 constitution.

Among other things, Chapter 6 deals with Jumbe's efforts to separate the state and the party following the 1977 constitution to protect the autonomy of Zanzibar. This was a futile attempt. The 1977 constitution not only made the party supreme, but also monopolised politics and made the two governments – the Zanzibar and the Union – accountable to the party. Jumbe's efforts to reclaim Zanzibar's autonomy from the clutches of the party and Nyerere's determined stand to consolidate the Union through the party reached a crisis point in the 'pollution of political atmosphere'. The chapter gives a blow-by-blow account and analysis of the crucial seven-day meeting of the National Executive Committee of CCM, which culminated in a dramatic resignation of Jumbe from all his government and party positions. Factional alliances and intrigues preceding Jumbe's resignation were as dramatic as the outcome. The Union would never be the same again. A detailed narration of the next twenty years is beyond the scope of the book but the first twenty years, particularly the last episodes, in essence, sow the seeds, which germinated into weeds constantly embroiling the Union in crises. Since then the Union has moved from crisis to crisis euphemistically called *kero za muungano* ('troubles of the union') in official circles.

The concluding section draws some lessons of the Union for the current debate on African Unity at the continental level and the federation process at the regional level. This section also briefly teases out the main planks of the Pan-African ideology, which inspired African nationalism in the fifties and sixties of the last century. It is against the broad Pan-African canvas that the study scrutinises the Union and the political practice of its main protagonist, Julius Kambarage Nyerere.

Chapter One

RACE, CLASS AND POLITICS ON THE EVE OF THE REVOLUTION

ZAMA ZA SIASA

On the eve of the revolution, the Zanzibari society was deeply fractured. It was socially divided and ethnically polarised. The period of *zama za siasa*,¹ shattered the hitherto sublime perception of Zanzibar as the islands of peace, tranquility and racial harmony. This was not only the perception of outsiders looking in, but also of the insiders refusing to look at themselves. For Abdulrazak Gurnah, a fine Zanzibari novelist in intellectual exile, the *zama* ‘brought shocking things to the surface’:

We liked to think of ourselves as a moderate and mild people. Arab African Indian Comorian: we lived alongside each other, quarreled and sometimes intermarried. Civilized, that’s what we were. We liked to be described like that, and we described ourselves like that. In reality, we were nowhere near *we*, but us in our separate yards, locked in our historical ghettos, self-forgiving and seething with intolerances, with racisms, and with resentments. And politics brought all that into the open².

¹ This term is commonly used in Zanzibar to describe the period of intense party politics between 1957 and 1964. It is variously translated as the “times of politics” (Myer 2000) or the “period of politics” (Sheriff 2001: p. 310). The literal rendition of the term ‘zama’ as ‘overwhelming’ or ‘sunken into’ politics perhaps captures better the intensity of politics at the time.

² Quoted in Myers 2000: p. 441.

Politics did not only express the underlying social divides and ethnic differences but organised politics, through political parties, politicised ethnicity. Within seven years of *zama za siasa* there were four elections, twice in 1961. Each of the elections, in particular those of 1961 and 1963, were preceded by intense electioneering. The parties and their leaders deployed all kinds of means to get votes. Worse, each of the three main parties, descended into narrow nationalisms based on race, culture or indigeneity. The result was that this island society was sitting on a volatile mixture of race and politics ready to be ignited by the power play. Twice within a period of four years Zanzibaris were consumed by senseless violence resulting in deaths, injuries and mayhem of mutual destruction. The election riots of June 1961, sparked off by allegations of electoral cheating, resulted in the death of 67 people, including women and children. It was an orgy of killing and bloodletting on both sides of the ethnic divide, Arabs and Africans. Two white journalists reporting immediately after summed it up thus:

Zanzibar's long standing reputation for peace and harmony has been shattered in a welter of blood and bits; in days of savagery and racial venom that will never be forgotten; in a reign of terror by night; in the senseless, brutal murders of women and children. The need for stability has been spelt out in terms of death and mutilation.³

The January revolution of 1964 too witnessed another cycle of violence, bloodletting and massacres, a lot of it senseless, resulting in the death of between five thousand and ten thousand people.⁴ Whether this was necessary and inevitable 'revolutionary violence' or the result of the blood thirstiness of 'Field Marshall' John Okello and his hoodlum⁵ followers or settling of scores by

³ Reporter (East Africa), 10 June 1961: p. 12.

⁴ Estimates of the people killed in the 1964 revolution vary. See, the discussion in Sheriff 2001: pp. 314–315. Whatever the exact number, the proportion, to the then population of Zanzibar, was very high.

⁵ This is the term often used by colonial officers.

the lumpen-proletariat,⁶ the fact remains that it left a deep, and so far unhealed, wound in the consciousness of subsequent generations of Zanzibaris.⁷

But it is not only the violence of the *zama za siasa* that have had such an impact on subsequent consciousness and narratives. It is the complete post-revolutionary political and scholarly discourse which seeks to explain and justify the present that has been deeply structured by the politics of *zama za siasa*.

The central and enduring theme in the dominant discourse of both the revolution and current politics and political divide has been ethnicity and race. This is true of scholars, particularly those from the mainland,⁸ as well as politicians.⁹ In a book purporting to be a true history of the Zanzibar Revolution for the benefit of younger Zanzibaris, Omar Mapuri,¹⁰ a long time party stalwart, reverts once again to explain the Zanzibar Revolution as essentially the liberation of the African majority from the clutches of an Arab minority. He further argues that with the multiparty and the rise of the Civic United Front (CUF), the old ethnic and racial animosities of the pre-revolution Zanzibar are being resurrected. Following the contested victory of the ruling party, Chama cha Mapinduzi (CCM),

⁶ Babu 1991: p. 241. Babu tends to minimise the number of casualties but does not cite any figure. Presumably, this is necessary for him to justify his argument that the intervention of UMMA cadres helped to prevent what would have otherwise become a massacre. For further discussion see below, p. 51 - 52

⁷ One of the causes of disagreement between the ruling party CCM and the major opposition CUF has been the excesses committed during and immediately after the revolution. Not unsurprisingly, the ruling party castigates these views as partisan and non-representative of the Zanzibari society. It asserts that these views are harking back to the days of the Arab Sultanate (see Mapuri 1996, *passim*.) Whatever one's stand, the fact remains that CUF represents almost half the Zanzibari society, which has been shown in every election since 1995; thus its views cannot be dismissed as simply partisan. At the least, they reflect a deep divide among the people on the perception of the revolution and its aftermath.

⁸ See, for instance, Mrina and Matokke 1980, and Mbwiliza 2000.

⁹ See, generally, Sheriff 2001, *passim*.

¹⁰ Mapuri 1996, *passim*.

in the 2005 elections, another Zanzibari minister, writing in a party paper, hailed it as the victory of the black man:

Recently there were elections in Zanzibar. Chama cha Mapinduzi [CCM] emerged victorious against the party of 'KUFA' [death]! Lovers of peace and stability were overjoyed with this victory.

Overjoyed, because we are now assured that the respect and dignity of the black man in Zanzibar will be defended, respected and honoured. *Waswahili* [Africans] will continue to receive equal treatment without being turned into slaves and labour-migrants.

Overjoyed in the knowledge that we will continue to wield power to honour and perpetuate the glorious 1964 revolution; the revolution, which produced the Union; the revolution that restored Waswahilis' basic rights, which had been stolen by the rule of Busaids and the Sultanate and their puppets Bwarwani and Shamte.

Now CUF is dead, it is called 'KUFA'. If they had won they would have called these [Idd celebrations] EID EL CUF! Now that we have won, I suggest we call these victory celebrations 'EID EL KUFA'. What does it mean? It means celebrating the death of their party. EID-EL-KUFA!¹¹

Since the Union between Tanganyika and Zanzibar in April 1964, Zanzibar politics are no longer internal to it. Inevitably, and historically understandably, Zanzibar politics are enmeshed with the Union. The 'union question' and the 'Zanzibar question', as we shall see in this book, are, if not one and the same, certainly two sides of the same coin and that coin is the specific history of Zanzibar, in particular, the politics of *zama za siasa*.¹² The 'resurrection' of ethnicity and race as explanatory of the politics of the Union today,

¹¹ Muhamed Seif Khatib, 'EID-EL-KUFA?' in Mzalendo (CCM Party paper based on Mainland), 8 November 2005.

¹² As we shall see in this book, the politics of Zanzibar, rather than Tanzania Mainland (Tanganyika), have determined the course of the Union. This is truly a case of the tail wagging the dog.

particularly in Zanzibar, and tracing the same to their supposedly historical roots necessitates a quick overview of the history of social and state formation in Zanzibar.

GLIMPSES OF STATE AND CLASS FORMATION

Historical antecedents

Zanzibar was part of first, the city-states, and then the commercial empire, which existed on the East African coast for at least two thousand years. It formed the conduit through which passed the interaction between the hinterland and the Indian Ocean Coast as far as Arabia, India and China. The Swahili civilisation emerged as a synthesis, to use Abdul Sheriff's phrase, of this process whose foremost flag-bearers were the city-states of Mombasa, Kilwa, Sofala and Zanzibar, among others.¹³ The Swahili civilisation was marked by great culture and bound by common religion, Islam, and language, Kiswahili. It was truly a melting point, almost an ideal cultural intermix, in which the indigene and the intruder dissolved.¹⁴ Commerce in slaves, spices, ivory and gold thrived. Mercantile capital made enormous profits, much of which perhaps ended up in luxury and

¹³ This, and subsequent paragraphs, are based on an excellent synthesis and analysis by Abdul Sheriff 1987: pp. 1–30.

¹⁴ This is not to say that the resultant social formation was homogenous. It was, in fact, deeply stratified, yet its existence and great impact and influence on the Zanzibari society cannot be denied. Mbwiliza (2000: *passim*) is somewhat sceptical of one of the important off-shoots of the Swahili civilisation, the Shirazi identity in Zanzibar. This seems to be the result more of political hindsight than historical analysis. Witness this rather curious, utterly non sequitur, passage for a historian:

Claiming Persian ancestry, some of our brothers and sisters want to identify themselves with those who ruled over them. Even the inhabitants of Shiraz in Southern Iran would feel insulted if you singled them out from the Iranians and called them Shiraz. They are now part and parcel heirs to Iranian nationalism. They must be looking at us in disbelief if by claiming to retain this label we want to be more Shirazi than the Shirazis themselves. (*ibid.*: p. 15)

opulent consumption. While roping in the interior in commercial circuits and destroying its existing self-sufficiency, mercantilism did not help to construct a productive base. The prosperity of the city-state was thus fragile. Nonetheless, its achievements were remarkable, including its resistance to later-day European invasion which was, as everywhere else, ruthless and utterly destructive.

Based on a mercantile transit trade economy, the state formations of the city-states were typically less developed in terms of their administrative and political structures. With entry into what Pannikar¹⁵ has called the 'Vascoda Gama epoch of history', the struggle between the Portuguese seeking to dominate the Indian Ocean trade and the Swahili merchants began in earnest. In these struggles, the Swahili merchant often allied with the Omanis who had become more prominent in the Indian Ocean trade beginning in the 17th century. In the ensuing triangular struggle between the Portuguese, the Omani and the Swahili, eventually, Mombasa, Kilwa and other coastal city-states were subjugated, falling under the emerging Omani empire. But by this time, Great Britain was the rising imperial power seeking to subordinate the Indian Ocean trade under its industrial wings. The European scramble for Eastern Africa had begun. While the Omani empire withdrew to Zanzibar and developed it as a plantation economy based on inhuman slave labour, this was happening under the shadow of the rising British Empire.

Oman, which had emerged as the paramount power on the Swahili coast after the expulsion of the Portuguese in 1699, gradually extended its effective control over the whole coast. In 1822, it took Pemba, and in 1837, Sultan Seyyid Said finally subjugated Mombasa. In 1832, he shifted his capital from Muscat to Zanzibar. Eventually the link between Oman and Zanzibar, with British encouragement, was broken on the death of Seyyid Said in 1856 and the Zanzibar Sultanate was born.¹⁶

In 1822 the Sultan under a treaty with Britain agreed to prohibit export of slaves to the south of Cape Delgado, and export to the

¹⁵ Pannikar 1961.

¹⁶ Based on Bailey 1974?: p. 5.

north was prohibited in 1845. During the 19th century, the previous export of slaves, which was one of the commodities on which Arab traders thrived, became unprofitable and the mercantile class increasingly turned to the production of cloves. Clove plantations using slave labour thrived. Initially cloves were exported to the West but the markets shifted. India and Indonesia became the main importers of cloves from Zanzibar.

Meanwhile, the Berlin Conference of 1886 had carved out the hinterland of East Africa, Tanganyika, Burundi and Rwanda going to the Germans while Kenya and Uganda to the British. Through unilateral treaty making, tricks and chicanery, in effect, the Sultan of Zanzibar was stripped of his coastal possessions, except a ten mile coastal strip in Kenya,¹⁷ leaving only Zanzibar which was recognised as independent and sovereign under the Delimitation Treaty signed by Germany, France and Britain.¹⁸ But Zanzibar could not totally escape the imperial appetite for possessions. In 1890, the Sultan of Zanzibar agreed to be protected by Britain and so was established the Protectorate of Zanzibar. For all intents and purposes, Zanzibar became another colonial possession of Britain but with its own specific social and cultural characteristics deriving from its historical antecedents which were deeply rooted in the pre-European mercantilism of the Indian Ocean, on the one hand, and the Swahili civilisation of the coastal city-states, on the other. The state as the site of politics was deeply structured by this history and cannot be collapsed into a simple colonial / metropolitan model with the typical racial/ethnic pyramid – Whites at the top, Asians in the middle and Africans at the bottom – which the East African political economy discourse is prone to. With this in mind, we examine the ethnic, class and regional divide in the Zanzibari society in the following sections.

¹⁷ The coastal strip was under Sultan's suzerainty although administered by Britain. Just before Kenya's independence, it was given to Kenya for £100,000, Bailey: pp. 7–8.

¹⁸ Ayany 1970: p. 13. See this source for various "purchases" of the littoral possessions forced on the Sultan by Britain.

The state and the ruling class

Unlike mainland territories where colonialism destroyed local structures and instituted the colonial state as a part of the metropolitan state, the pre-existing state in Zanzibar under the Sultan entered into a kind of an alliance with the imperial state, albeit as a junior and subservient partner. The class base of the local state was the large landholding class involved in the plantation sector. It was predominantly Arab. Relying on Batson's survey, Lofchie computes their number as 165 in 1948. This was about 69 per cent of the total plantation owners owning more than 3,000 clove trees; only 5 per cent of the total Arab clove owners and less than 1 per cent of total clove owners.¹⁹ In terms of population, even if we take the generous figure of five persons per landlord household, the landlord class constituted only 2.6 per cent of the total Arab population.²⁰ The landlord class was a miniscule class and could justifiably be described as an oligarchy.

Originally it worked its plantations with slave labour. As slavery was abolished, it turned to the labour of squatters (ex-slaves) and surrounding peasants who supplied seasonal labour for clove picking. It was neither fully feudalist nor fully capitalist. It was stuck somewhere in between, kept alive by the British for political reasons. The landlord class was a typical example of what Mlahagwa and Temu characterise as 'a ruling class unable to transcend outmoded relations of production'.²¹

The point to emphasise is that as it happened commonly in its encounter with non-European societies, imperialism often allied with backward classes and elements in colonised societies. The reasons were not always economic; depending on the concrete situation they could also be political. In this case the alliance of imperialism with the local Arab oligarchy was political and it was for political reasons that the British tried a number of times to shore up the declining landlords.

¹⁹ Lofchie 1965: p. 87.

²⁰ Ibid.: p. 74 where the figure of Arab population in 1948 is given as 44,560.

²¹ Mlahagwa and Temu 1991: p. 160.

Secondly, the landlord class could truly be described as a politically *ruling class*. True, the ultimate power lay with the British but unlike in some mainland territories where there were no local ruling classes, or if any existed, were destroyed in their infancy, in the case of Zanzibar there was a pre-existing state and the ruling class. For various historical reasons, these were not destroyed; rather they compromised and became imperialism's surrogate.

Thirdly, the ruling class sought its legitimacy in what it projected and perceived to be a common culture, the Swahili or Zanzibari culture, whose two main ingredients were language and religion. The ruling class in Zanzibar was to a very large extent Swahilised. It hardly spoke Arabic, for example. The Sultan symbolised that common culture. This was not simply a myth. There was a historical basis for the argument as the Swahili culture had been forged in the struggle and there was a far greater assimilation and acculturation between the Arab and indigenous African communities which took place over a long period of almost two and a half centuries. Unlike mainland territories, where the colonial power sought to civilise through the church and minimal education creating Europeanised elite in its image, albeit a Fanonist caricature, in the case of Zanzibar there was no basis for such an ideological construct. While the colonial power may have used the typical policies of 'divide and rule' along ethnic lines, it invariably returned to the Arab ruling class to legitimate itself. Unlike white settler classes, say, in Zimbabwe and South Africa, the 'Arab' ruling class in Zanzibar had struck roots within the Zanzibari society. Not surprisingly, as we shall see below, it was the Arab petty bourgeoisie which became the harbinger of early nationalism calling for independence, universal suffrage and common role elections. The role of this element in the politics of Zanzibar has been often missed, particularly by mainland writers and politicians who tend to view Zanzibar through the mainland lenses where the colonial experience was different, albeit typical of much of Africa.

Fourthly, the ruling class was predominantly based on the Unguja Island living in the Stone Town section of Zanzibar Town. It is in Unguja that we find very large plantation owners owning

more than 3,000 clove trees. In Pemba, the ownership of clove trees was much more spread out.²² We will return to the regional divide between Unguja and Pemba later.

Finally, while the ruling class was almost exclusively Arab, all Arabs were not part of the ruling class. The identification of class and ethnicity is misplaced and often obscures the understanding of politics. In fact, the Arab community was highly differentiated economically and socially. Sixty per cent of Arab clove owners owned less than 249 clove trees.²³ Reworking Lofchie's 'Urban and Non-Urban Class Structure' gives almost 76 per cent of Arabs falling in the lower class, 23 in the middle class and only 1 per cent in the upper class²⁴ (see Table 1.2). Furthermore, as has been often observed, there was a distinction between the Omani Arabs, who were more or less indigenised through the Swahili culture and the recently arrived Manga Arabs who kept close touch with Oman, Yemen, etc.²⁵ This is not to say that between ethnic groups there was no hierarchy. This is our next point.

The ethnic cleavage

Colonial practice typically divided the population into ethnic communities. The 1948 census is apparently the last to give census figures by ethnic groups, including making a distinction between Shirazis and mainland Africans (see Table 1.1).

Pemba Island had some 43 per cent of the population living in an area of some 360 square miles while Unguja had a population of some 57 per cent in an area of 640 square miles. The density of population in Pemba was, and continues to be, much higher than that of Unguja. On the other hand, Unguja was much more urbanised with one-third of the population living in Zanzibar town. Pemba

²² See Sheriff 2000.

²³ Computed from Lofchie 1965: p. 87, Table 5.

²⁴ Ibid.: p. 91, Table 7.

²⁵ See, generally, Sheriff 2000 and sources cited therein. 'Manga' refers to those from Oman, while those from Yemen were called Washihiri.

Table 1.1 Distribution of Population by Ethnic Community in 1948

Ethnic Community	Unguja Island		Pemba Island		Total	
Indigenous Africans (Shirazi)	81,150 (54.7)	54.3	67,330 (45.3)	58.8	148,480 (100)	56.2
Mainland Africans	37,404 (72.9)	25.0	13,873 (27.1)	12.1	51,277 (100)	19.4
Arabs	13,977 (31.2)	9.4	30,583 (68.6)	26.7	44,560 (100)	16.9
Asians	13,107 (86.2)	8.8	2,104 (13.8)	1.8	15,211 (100)	5.8
Comorian	2,764 (84.6)	1.8	503 (15.4)	0.4	3,267 (100)	1.2
Others	1,075 (85)	0.7	189 (15)	0.2	1,264 (100)	0.5
Total	149,477 (56.6)	100.0	114,582 (43.4)	100.0	264,059 (100)	100

Source: Reworked from Middleton and Campbell 1965: pp. 13, 21.

Table 1.2 National Social Stratification

Class	Arab		Asians		Indigenous Africans		Mainlanders		Total	
Upper	165 48	1	180 52	4	-	-	-	-	345	0.3 100
Middle	3,770 31	23	2,985 24	61	2,965 24	6	2,475 20	8	12,145	12 100
Lower	12,470 14	76	1,690 2	35	48,990 54	94	27,790 31	92	90,940	88 100
Total	16,405 16	100	4,855 5	100	51,955 50	100	30,265 29	100	103,480	100

Source: Adapted and reworked from Lofchie 1965: p. 91, Table 7.²⁶

²⁶ I have combined Lofchie's Ranks B and C into 'middle class' and Ranks D and E into lower class after carefully taking into account the occupations he has included in his various ranks. Superficially, it gives a rather misleading picture in case of, say, 4 per cent of Asians falling in the upper class. But it must be kept in mind that this does not mean that the 4 per cent were part of the ruling class.

remains largely a rural island. We will further discuss the differences between Unguja and Pemba later. Suffice it to say, the ethnic communities themselves were differentiated just as we have seen in the case of the Arab community.

Table 1.2 gives some idea of the stratification of ethnic communities.

It can be seen that the Arab community is most stratified with only 1 per cent in the upper class and 76 per cent in the lower class. This class structure resembles a typical aristocratic, feudal society (a pyramid). On the other hand, the African communities are least stratified with over 90 per cent of the people in the lower class. There is a slight difference between the Shirazi²⁷ and immigrant Africans in that the Mainlanders have a 2 per cent greater representation in the middle class, but the remarkable similarity lies in the overwhelming majority falling in the lower class. This structure is undoubtedly typical of 'colonial society' with the large majority at the bottom, no peak at the top and minute elite in the middle class (a quadrangle with a small top).

The stratification of the Asian community with a reasonable peak (4 per cent at the top), a bulging middle (61 per cent in the middle) and a narrow base, wider than the top but almost half of the middle (an imperfect hexagonal), is a typical representation of a prosperous society with a large middle class. Two conclusions can be safely drawn from this stratification. Firstly, the ethnic communities that tend to be presented as racial categories without differences were in fact internally differentiated. Secondly, there is undoubtedly a significant divide between ethnic communities in their material circumstances and social statuses. This not only gives the *appearance* of ethnic cleavage but lends considerable credence to the otherwise colonial ideological construct of the racial and ethnic division of Zanzibari society.²⁸

²⁷ Shirazis are original inhabitants of the islands who trace their origins to Shiraz in Iran.

²⁸ The obvious spatial manifestation of racial divide was of course the Stone Town and N'gambo in Zanzibar Town separated by a creek (Darajani) which was the locus of violence in the June 1961 riots.

The stratification model, upper, middle and lower classes, used above has serious limitations. While it may help to explain certain social and cultural consciousness and practices, political and social struggles cannot be derived and deduced from it. The stratification, in this case, for example, is based on occupation categories and somewhat arbitrarily included in the three categories. In fact, I collapsed Lofchie's five categories, which were simply called 'Ranks', into three. This type of stratification model has little explanatory power beyond giving a snapshot of statuses. The use of the word 'class' in this context is, therefore, also misplaced. For explanation and understanding of deep structures of society and its politics we must turn to the analytical concept of class.

Classes

Class connotes large social groupings playing a definite role in the process of production in relation to other social groupings and the state. I will briefly and in broad strokes give a bird's eye-view of the classes in Zanzibar in the last decade before the revolution.

The *landlord class* was based on the plantation economy as we have seen. It was small, harking back on the past but kept alive by the overarching power of the metropolitan bourgeoisie. As we said earlier it was stuck between the slave past and the capitalist future. Its economic transition was aborted by the political exigencies of the time.

The *merchant class*, predominantly Asian, was almost exclusively involved in the commercial sector.²⁹ Its attempts to enter the plantation sector were thwarted by the local state in alliance with imperialism. The story of the formation of the Clove Growers Association and Asian resistance to it often told in the literature is an example of the struggle between the declining landlord class and the rising merchant class in which the state played a central role for political reasons. The economic result of this was to block and pervert the processes of transition from semi-feudal relations

²⁹ See generally, Bader 1991.

to capitalist relations. The forces of the state frustrated the forces of the market.

On the larger canvass of imperial political economy, both the landlord and the merchant classes may be described as compradorial,³⁰ but a great caution needs to be exercised in the use of this term in the case of Zanzibar. The Zanzibar economy was not entangled in the metropolitan economy in the same sense that we speak of in the case of mainland colonial economies. The majority of export and import trade of Zanzibar was with India and Indonesia. Around 1960, Indonesia imported 70 per cent of Zanzibar's cloves while India imported 23 per cent. India was also the principal importer of Zanzibar's coconut products.³¹ The large British trading houses did not have the same weight in Zanzibar as, for example, in Tanganyika. Thus the compradorialism of both the merchant and the landlord classes was more political than economic.

The *petty bourgeoisie* in Zanzibar was most variegated in terms of both its ethnic composition and social relations. Firstly, we must distinguish the petty bourgeoisie involved in production, circulation and services. Secondly, we must closely scrutinise the intelligentsia or the educated elite within the petty bourgeoisie. This component within the petty bourgeoisie was also more differentiated than, for example, in the then Tanganyika.

In the productive sector, the most important component of the petty bourgeoisie was the peasantry.³² The rich peasantry was

³⁰ See, the essays in Sheriff and Ferguson 1991 and Sheriff 1987. These essays are heavily influenced by the political economy discourse on imperialism and compradorialism dominant at the University of Dar es Salaam then. As a result, they are in many ways a great advance over the bourgeois historiography based on categories of race, ethnicity and great personalities dominant then. Yet, in hindsight, they tend to underplay the politics and fail to recognise fully the peculiar character of the Zanzibari state and its alliance with imperialism.

³¹ Middleton and Campbell 1965: p. 25.

³² See Sheriff 1991. This section on classes is my synthesis based on information from various sources already cited. The information base on these issues is common, although it may differ in detail and emphasis. It is in their analysis that scholarship on Zanzibar differs widely.

dominant in Pemba, less so in Unguja, which was dominated by large plantation owners. It was composed of both Shirazi and Arab in Pemba.³³ In Unguja, the Shirazi peasantry was predominantly middle and poor. There was far greater alienation of land and therefore greater land hunger among the Unguja peasantry compared to the Pemba peasantry.

In the urban area, which really means the Zanzibar city, a small, predominantly Asian, petty bourgeoisie were skilled craftsmen, artisans and builders among whom one would find an occasional Arab in chest-making.

In circulation, the most important component is constituted by the Manga Arabs, some of whom were hawkers while others itinerant traders based mostly in rural areas but circulating between rural areas and the town. Many settled as small shopkeepers on the plantations. Manga Arabs were immigrants from Oman. Another category also involved in retail trade but more sedentary comprised Washihiri: that is, Arab immigrants from Yemen. A small but significant section of Asian retailers could also be included in this class.

Three categories of the non-productive petty bourgeoisie may be identified. The first category is to be found in the public or civil service, including the police. These were predominantly Arab, a significant number of them occupying high administrative positions in the State. A few in the middle and lower cadre in the state were Asians, mainly Goans, and Comorians.³⁴ The second category is in the professional and private sector – doctors, lawyers, business executives, etc. These were predominantly Asians. The third category is the village teachers (including Koranic teachers) in rural primary schools. These were mainly Shirazis.³⁵

The *working class* comprised five categories: plantation workers, dock workers, casual workers, domestic servants and industrial

³³ Arabs made up 60 per cent of large landowners, but only 33 per cent of small landowners. The former lived mainly in Zanzibar city, while the latter lived in Pemba (Bowles 1991: p. 81).

³⁴ Personal communication from Saida-Yahya Othman, 26 April 2006.

³⁵ Lofchie 1965: p. 90.

workers.³⁶ The *core* of the working class was dockworkers in the Zanzibar Port (urban) and squatters on plantations in the rural areas. Both these categories were predominantly mainlanders from Tanganyika, Nyasaland, Mozambique, Kenya, Uganda and the Congo. Those from Tanganyika were the single dominant group being almost 44 per cent in 1948, followed by immigrants from Nyasaland (17 per cent). About three-fourths of mainlanders worked and settled in Unguja.³⁷ Although originally from the mainland, they were first- or second-generation Zanzibaris having settled and assimilated the Zanzibari culture and customs. The migrant labour from the mainland continued to come during clove picking season. Some of them settled while others went back.

Casual workers were mainly in the transport and building and construction industries. *Wachukuzi*, as they were called, transported goods from the port to warehouses and from warehouses to shops using handcarts hired from small Arab businessmen. Domestic servants working in European, Asian and Arab households were the single largest group while industrial workers were small in number working in small establishments and workshops.

The working class was predominantly mainlanders. There were small sections of Shirazi peasants from the countryside who would come to town looking for jobs. The squatters and dockworkers in a sense define the characteristic of the working class in Zanzibar. Just as the landed class was stuck between feudalism and capitalism, so the squatters were stuck between serfdom and wage labour. Dockworkers and porters were the militant wing of the working class movement (demonstrated by the 1946 and 1948 strikes) while the squatters were its conservative wing, still harking back on land. Squatters could more correctly be described as semi-proletarian, semi-petty bourgeois rather than proletarian.

It is the underlying contradictions between and among these classes that surfaced in the concentrated form of politics as the

³⁶ Hadjivyanis and Ferguson 1991: p. 189 et. seq. The paragraph that follows is based on this source.

³⁷ Clayton 1981: p. 12.

country entered the period of rising nationalism that we will examine in a subsequent section. But before we do that, we need to look at another important cleavage in the Zanzibari society; the cleavage between Unguja and Pemba.

The regional cleavage

The Omani (Busaidi) dynasty came to power in Oman in 1745. It was recognised by the local Arab rulers in Zanzibar but not in Pemba where the rulers were closely linked to the Mazrui family which also controlled Mombasa. For a long period Pemba had been a granary of Mombasa supplying grain and timber. It was with the help of the Omani Sultan that the Pembans dislodged the Mazrui family.³⁸ Thus the encounter of Unguja and Pemba with Omani Busaidi dynasty was different; the one in Pemba appearing to be more politically equal than the other.³⁹

More important is that the pattern of landownership, clove plantations and ethnic composition between the two islands also differed very substantially. As can be seen from Table 1.1, almost 60 per cent of Shirazis lived in Pemba. While a little more than two-thirds of Arabs lived in Pemba, only about one-fourth of mainland Africans lived there. The influence of the mainlanders in Pemba was minimal. There was greater intermarriage between Shirazis, particularly Hadimu, and mainlanders in Unguja than in Pemba. In Pemba the intermarriage between Arabs and Shirazis was more common.

In terms of land ownership, there was far greater alienation of fertile land by Arabs in Unguja. The indigenous were pushed out to unfertile areas. On Pemba, on the other hand, fertile land was owned by both Arabs and the indigenous. In terms of ownership of plantations and clove trees also there was much less concentration of ownership by Arabs compared to Unguja. Arabs constituted one-fifth of all clove owners but owned three-fourths of clove trees.

³⁸ Middleton 1961: p. 5.

³⁹ Lofchie 1965: pp. 244–245.

On Pemba, Arabs who constituted one-fourth of clove owners owned half of clove trees.⁴⁰ Generally speaking, there were smaller plantations in Pemba than in Unguja and much less differentiation of ownership between Arabs and Africans on Pemba compared to Unguja. Semi-proletarianised peasant-labour was also less prominent in Pemba than Unguja.⁴¹

The other major difference between Unguja and Pemba was that while Pemba had 80 per cent of clove trees and produced around 80 per cent of the clove crop, it received very little by way of services and development. Shirazi leaders, even during colonial times, often complained of lack of services in Pemba.⁴² Infrastructure development was concentrated in the Zanzibar city which was the political hub and the seat of the Government. It is interesting to note that the rise of rich peasantry in Pemba, composed both of Arab and Shirazis, provided the potential for the development of clove agriculture on a capitalist basis but was constantly stunted by the state controlled by the landed ruling class backed by imperialism.

The extreme uneven development between the two islands and fairly integrated ethnic class structure considerably informed the politics of Pemba. Developments, as we shall see, after the revolution further exacerbated this cleavage resulting in a protracted period of political strife which continues to this day.

THE RISE OF NATIONALISMS

The argument

The post-war movement for independence and liberation of colonies soon caught up with Zanzibar. African nationalism was born of Pan-Africanism, not the other way round. It was a series of Pan-African conferences culminating in the Fifth Pan-African

⁴⁰ Lofchie 1965: p. 248, Table 20. Sheriff's (2001) figures calculated from the Clove Bonus Scheme of 1920s differ markedly but the pattern remains.

⁴¹ Bowles 1991: pp. 80–81.

⁴² Vincent 1965: p. 31.

Congress in Manchester that put out a clear demand for African self-determination. Both Nkrumah and Jomo Kenyatta, for example, returned to their respective countries to fight for independence as part of the Pan-African project, conceived and declared at the Manchester conference.⁴³

But the island society of Zanzibar had a peculiar history which distinguished it from the mainstream mainland countries. There were two not one nationalism, Zanzibari and African.⁴⁴ What I have called Zanzibari nationalism is often dubbed as Arab nationalism. This is a misnomer. Those who propound this point of view indulge in double reductionism. Firstly, they reduce the political expression of the so-called Arab nationalism exclusively to the Zanzibar Nationalist Party (ZNP) ignoring its alliance with the Zanzibar and Pemba People's Party (ZPPP). In effect, therefore, they are reducing Zanzibar to just one island, Unguja. Secondly, they reduce ZNP to an Arab party again ignoring that in all the elections it garnered much more than simply the Arab vote and in both Unguja and Pemba islands. In its programme, vision and outlook, the ZNP sought legitimacy in the Zanzibari culture and custom rather than any form of Arabism. Therefore one has to explore the class base of a party, its relation to the state and other historical and political factors to determine its character, not the ethnicity of its leaders.

At the other pole, the Afro-Shirazi Party (ASP) represented not simply African nationalism but *Black* African nationalism given the concrete conditions of Zanzibar. So, if Zanzibar nationalism was rooted in culture, African nationalism was rooted in race. Both of them suffered from the limits of their ideological constructs which directed their politics, as we shall see. The ZPPP falls somewhere in the middle. Wavering between the two, it typically exhibited its petty bourgeois – rich peasant – character. It could not quite make up its mind where it belonged. When the chips were down, it went

⁴³ See the Conclusion below for discussion.

⁴⁴ Vincent (*ibid.*) also talks about two nationalisms but our analysis differs considerably.

along with Zanzibar nationalism because it saw black African nationalism as a construct of the Mainlanders and therefore a threat to its autonomy. We now turn to further flesh out this argument as we examine the politics of *zama za siasa*.

A decade of party politics

Hitherto, dictated by colonial structures which called for racial representation, for instance, on the Legislative Council (LEGCO), ethnic groups had formed their own associations. Both the Arab Association and the Indian National Association (INA) were formed before the First World War and fought for the interests of the Arab landowners and commercial class, respectively.⁴⁵ The African Association was formed in 1934⁴⁶ while the Shirazi Association was formed in 1939 at the initiative of the Shirazis from Pemba. There was always an undercurrent of tension between the two in relation to nomination to the LEGCO. African representation on the LEGCO was awarded to the Shirazi Association which was intensely resented by the African Association.

The small, educated African elite mostly in teaching formed the Young African Union (YAU) in 1951. It was recognised as the youth wing of the African Association which was mainly a kind of social and welfare organisation. YAU infused politics into the African Association. They tried to mobilise the urban African population. Under the intellectual leadership of YAU, through their mouth-piece *Afrika Kwetu*, the African Association mounted an aggressive set of demands against the privileges of other, what it called, 'alien' races, Arabs and Indians. It demanded better education facilities, greater representation on LEGCO, and an end to the neglect of Africans. It vehemently argued against the Government's discriminatory treatment of immigrant Africans by dividing the African

⁴⁵ Lofchie 1965: p. 99. Information on political parties is from this source unless stated otherwise.

⁴⁶ It immediately affiliated with the Tanganyika African Association on the mainland; see Lofchie 1965: p.168.

community between Shirazi and Mainlanders. In its issue of 25 September 1952, *Afrika Kwetu* complained:

Whenever we say 'Africans', we mean all people who are officially called Africans; that is the Pemba, the Tumbatu and those Africans resident in Zanzibar who are His Highness' Subjects and who are supposed to have come from the mainland of Africa, as though the other above mentioned Africans originally came from the moon!⁴⁷

The leadership was beginning to move beyond the concerns of the urban working people to those of squatters in the rural areas. More substantially the land question was beginning to feature when there was a sudden break. In 1953, the Government began to enforce its ban on civil servants from participating in politics. Educated Africans had to withdraw thus breaking the link between the African intelligentsia and the masses. Karume took over the presidency of the African Association in 1953 when its president Herbert Barnabas had to resign because he was a government doctor. For the next few years the African Association became politically dormant. The militancy of the early period was mellowed as the African Association became more conservative and turned its attention to oppose the militant constitutional demands of the Arab Association rather than seek democratic reforms from the state. It argued against common roll in favour of communal representation because the leadership felt that the African community was not prepared for constitutional development towards self-government. Arguing against rejecting the Rankine Constitution which gave Africans only one-third of the unofficial LEGCO seats, while the demand of the Arab Association was for a common roll election based on universal suffrage, *Afrika Kwetu* of 5 May 1955 asserted that 'our immigrant friends should not forget that our aim is African self-government ... not Zanzibari self-government.'⁴⁸

⁴⁷ Quoted in Lofchie 1965: pp. 162–163.

⁴⁸ Quoted *ibid.*: p. 166 fn.8.

Meanwhile, the Arab Association became increasingly militant, espousing anti-colonialism and anti-imperialism under the influence of young Arabs who had come back from overseas. As a prosperous community, a few Arab youths were able to go overseas for education and were thus exposed to the outside world. They were particularly inspired by Nasser's revolution in Egypt. One such young person was Ahmed Lemki who spent 12 years in Egypt where he participated in communist activities and was imprisoned. Lemki returned to Zanzibar in 1953 and formed a militant, multiracial organisation called the Zanzibar National Union (ZNU). Lemki influenced others which had an effect on the otherwise conservative Arab Association. The Association's paper *Al Falaq* carried vitriolic anti-Government articles leading to sedition charges against its editor which eventually resulted in the imprisonment of virtually the whole of its executive committee. This further radicalised the Arab Association. Both Lemki and Ali Muhsin, the later-day leader of ZNP, were members of the Executive Committee of the Arab Association and contributed greatly towards the articulation of Zanzibar nationalism.

Some members of the African intelligentsia, including Aboud Jumbe (a secondary school teacher) and Othman Shariff (an agricultural officer) had joined Lemki's ZNU,⁴⁹ but when the Government enforced its circular banning participation of civil servants in politics, they had to withdraw: ZNU was dissolved; the link between Arab and African intellectuals was broken. Coming from wealthy families, Arab intellectuals could give up their civil service jobs and continue political activities in the Arab Association. The same was not the case with African intellectuals. The result was that there was very little intellectual input into the African Association, which as we have seen, came to be led by Karume. African intellectuals did not return to the fold of politics until much later in 1960.

⁴⁹ Interestingly, Aboud Jumbe never mentioned this part of his political involvement in an otherwise very comprehensive interview with the author, 6, 7 and 12 November 2004.

Meanwhile, unknown to the established ethnic associations, the peasants of *Kiembe Samaki* formed the first nationalist party in mid-1955. This was called *Hizbu l'Watan l'Riaia Sultan Zanzibar* or the National Party of the Subjects of the Sultan of Zanzibar (NPSS). Among the founder members was one of the nineteen peasants who had been imprisoned four years earlier in what has been called the anthrax riots. For a long time, the peasants of the area near Kiembe Samaki had faced increasing land alienation for the building of the Zanzibar airport. Matters came to a head in 1951 when an anthrax epidemic broke out in the vicinity of Kiembe Samaki and the villagers refused to cooperate with the Government. They were charged and at their trial some 500 people gathered. Fracas between the police and the people preventing the convicted from being taken to court broke out. Hand-to-hand combat lasted for the whole afternoon. The prisoners were freed but the next day they presented themselves to the police.

NPSS expounded a programme of common roll elections, multiracialism, independence, etc. not very different from the Arab Association although less articulate. Ali Muhsin and Amour Zahor (a former policeman), two leading members on the Executive Committee of the Arab Association made contacts with NPSS and eventually joined it. The more articulate and educated Arab petty bourgeoisie took over what was essentially the result of a peasant revolt and founded the ZNP. Kiembe Samaki and *Hizbu* thus entered the annals of Zanzibari nationalist history as the original flash point which sparked off the nationalist struggle. Protagonists use it as evidence of the nationalist authenticity of ZNP.⁵⁰ At the other end, somewhat ironically, the term *Hizbu* is used pejoratively to refer to former Arab rulers of Zanzibar in modern-day political vocabulary of the islands. I say ironically because *Hizbu* was the term coined by the peasant founders of NSPP who identified themselves as Swahili rather than Arabs!

⁵⁰ See the discussion in Babu 1991: pp. 223–225. See also ZNP n.d. Whither Zanzibar? Growth and Policy of Zanzibar Nationalism.

ZNP thus came to be defined by its 'triple parentage'. The Arab Association rooted in the Arab landed class gave it both a conservative and ethnic politics while the intellectual petty bourgeoisie (from Lemki to Babu) formed the opposite pole expounding and advocating more radical nationalism. In between was the peasantry, particularly the rich and middle peasantry, which gave ZNP national authenticity as well as a kind of 'mass' base. The 'territorial' Zanzibar nationalism thus represented by ZNP was a contradictory ideological amalgam of its tripartite class base in which the progressive and the reactionary jostled for hegemony. Before we discuss how this contradiction worked out in the late fifties and early sixties leading to independence, let us turn to the rise of the ASP, which stood for African nationalism.

ASP traces its origins to the African Association which had its main support among mainland Africans. It was affiliated to the Tanganyika African Association (TAA). As we have already seen, there was persistent tension between the African Association and the Shirazi Association. The Tanganyika nationalist leaders, particularly Julius Nyerere, tried very hard to bring the two communities together in a single party, the Afro-Shirazi Union (ASU). The Shirazi themselves were divided on the issue of joining ASU. The leaders of the Hadimu from Unguja, Ameri Tajo (a Koranic teacher) and Thabit Kombo (a former railroad fireman) were in favour, while those from Pemba were opposed to the merger. The Pemba leaders of the Shirazi Association put two conditions for joining ASU. One was that the Shirazi Association should have the right to name the candidates for Pemba seats and the other was that the name of the party should not include any reference to race.⁵¹ None of these was acceptable since the ASU stood for an integrated African community with an African state as its goal. Pemba Shirazi leaders, among whom Mohamed Shamte (a retired school teacher) and Ali Shariff (a landowner and brother of Othman Shariff) were prominent, did not even attend the founding of ASU.

⁵¹ Lofchie 1965: pp. 171–172.

The Shirazis, particularly from Pemba, were thus torn between Zanzibar and African nationalism and feared Arab domination in one (ZNP) and mainland African domination in the other (ASU). Here there was a clash between indigeneity and race on the one hand, and indigeneity and cultural identity, on the other. Shamte and Shariff did try to form their own separate political party but were unsuccessful because of lack of support from the Shirazi leaders of Unguja. Yet they were very popular in Pemba. In the 1957 elections they stood as independents and won both seats in Pemba against the ASU and ZNP candidates. After the elections, the Unguja Shirazi Association merged with the African Association and the ASU was renamed ASP. Thus was formed ASP in 1957. The two elected candidates from Pemba joined ASU in the LEGCO but the Shirazi Association of Pemba kept its separate identity. The tension between Shirazis and mainland Africans continued leading to a major split in the ASP in 1959, which resulted in the formation of the third party, the ZPPP. The founders of ZPPP were Ameri Tajo from Unguja, and Mohamed Shamte and Ali Shariff from Pemba. ZPPP derived its major support from Pemba. Its class base was mostly in the rich and middle peasantry, perhaps overwhelmingly Shirazi. On the other hand, the class base of ASP was mainly the working class in Zanzibar city including the semi- and lumpen-proletariat (casual labour and *wachukuuzi* hovering between employment and unemployment); and squatters in the plantations. Not until later, did it have the small African educated elite join it by which time the leadership was firmly in the hands of Karume.⁵² The urban working class, through its trade unions, gave ASP a more militant thrust while the squatters brought to it a conservative, anti-Arab ideology. Its membership was exclusively African, ASP having rejected multiracialism, while its leadership was firmly in the hands of mainlanders, both more recent immigrants and those who were at least second-generation Zanzibaris. Although dominated by mainlanders, ASP was not a mainland African party

⁵² Aboud Jumbe, Saleh Sadalah and Abdulaziz Twala, for example, did not come into the ASP fold until around 1959/1960. (Interview with Jumbe.)

Table 1.3 Strength of Political Parties in Zanzibar
(Percentage of Vote)

Party	1957	January 1961	June 1961	1963
ASP	35	43	51	54
ZNP	22	39	36	30
ZPPP	–	18	14	16
Other	43 ⁵³	–	–	–

Source: Lofchie 1965: p. 239, Table 19.

just as ZNP, with a significant Arab component, was not an Arab party. It was the ZPPP which came close to an ethnic party in that it derived its overwhelming support from the Shirazis.

None of the three parties could be described as a mass party with an overwhelming support in the same sense that the Tanganyika African National Union (TANU) on the mainland was a mass party. Roughly, in terms of votes, the pattern that emerges in the last two elections is that the ASP had slightly more than half the support while the ZNP one-third and the ZPPP one-fourth (see Table 1.3). Thus the most that could be said was that ASP was a majority party while the ZNP and the ZPPP were minority parties.

In terms of the regional divide between Unguja and Pemba, the two poles were constituted by ASP and ZPPP. Four-fifths of the support for ZPPP was from Pemba, while two-thirds of ASP's support was from Unguja. On the other hand, ZNP's support on the two islands was more representative, about half-half (see Table 1.4).

The other interesting feature is the significant increase in the strength of ASP in Pemba between 1961 and 1963, with almost as significant a fall in the strength of ZNP in that island. The explanation for this lies, at least partly, in the expansion of franchise as the property and literacy qualifications were increasingly removed leading to the expansion of the electorate from 36,000 in 1957, through 90,000

⁵³ The other refers to independent candidates including two from the Shirazi Association of Pemba who got overwhelming (66 per cent) support in that island and the Muslim Association in Zanzibar stone town.

Table 1.4 Strength of Political Parties in Unguja and Pemba
(Percentage of Votes)

Party	1957		January 1961		June 1961		1963	
	Unguja	Pemba	Unguja	Pemba	Unguja	Pemba	Unguja	Pemba
ASP	63	4	61	23	64	37	63	44
ZNP	32 ⁵⁴	30	35	43	32	39	32	28
ZPPP	–	–	4	34	4	25	5	28
Other	5	70	–	–	–	–	–	–

Source: Computed from Lofchie 1965: p. 176, Table 9; p. 200, Table 10; p. 202, Table 11; p. 218, Table 15; cf. Lofchie 1965: p. 239, Tables 17 and 18.

in 1961 to 165,000 in 1963.⁵⁵ As poorer peasantry in Pemba was brought within the electorate, ASP made corresponding gains. In qualitative terms, these figures broadly indicate that the ASP was a party of the property-less while the ZNP and the ZPPP of the propertied, albeit, including rich and middle peasantry.

Two other developments of this period with great potential for the future, which, incidentally was never realised, need to be mentioned. One was the formation of the Umma Party resulting from a split in the ZNP. The other was the brief existence of the Freedom Committee, which brought together the ZNP and the ASP under a Pan-African umbrella. We have already seen the initial role of Lemki in arousing Zanzibar nationalism. Later ZNP's general secretary Abdulrahman Mohamed Babu took up that role.

Babu belongs to the first generation of African Marxists who participated fully in independence struggles. After a spell of some six years in the UK where he was involved with the Movement for Colonial Freedom, Babu returned to his native Zanzibar and immediately immersed in reorganising the ZNP.⁵⁶ He established ZNP

⁵⁴ This figure differs from Lofchie 1965: p. 239, Table 17 because I have included the votes of an independent candidate in Zanzibar North who was supported by ZNP.

⁵⁵ *Ibid.*: p.239 fn. 4.

⁵⁶ Unless otherwise stated, the information on Babu and the Umma Party is based on Lofchie 1965 and Clayton 1981 and the chronology of his life in Babu, Salma & Amrit Wilson 2002.

branches in both urban and rural areas; organised agriculture and dhow workers and brought them in the ZNP through trade unions and organised and edited a news bulletin, *Zanews*, which had strong links with the Chinese news agency Hsinhua. Babu played an important role in giving the ZNP an international profile, in particular an African profile. ZNP established its offices in Egypt and Cuba and sent young people, mostly the Arab youth, to these countries where they were trained, both ideologically and militarily. Babu (and Ali Muhsin) attended the founding meeting of the Pan-African Movement for East and Central Africa (PAFMECA) in Mwanza in 1958 and later the All Africa People's Conference in Accra, Ghana. It is at these meetings that the differences in the political parties of Zanzibar were discussed. Babu's role at these conferences was no doubt instrumental in giving ZNP an African profile.

While Babu's successes in strengthening ZNP were substantial, there was no ideological unity within the party. Ali Muhsin formed the other pole as he increasingly veered to the right, thus the party becoming more and more a party of the landed class expressing itself through ethnic ideologies. When ZPPP split from ASP in late 1959 and became closer to the ZNP, eventually forming a coalition in 1961, the right wing of ZNP was given further fillip.⁵⁷ In spite of this, the left in ZNP, under Babu, continued to be part of ZNP on the theory that it needed to struggle within the party.⁵⁸ Subsequently though Babu split from ZNP opposing ZNP's practice of fielding candidates on ethnic considerations for the forthcoming July 1963 elections. He carried with him mostly the youth and some trade union leaders and formed the Umma party.

With the benefit of hindsight one can say the split came too late, only six months before the revolution. Umma's impact was much more ideological rather than to provide a centre for the more militant

⁵⁷ See Babu 1991 *passim*. Babu consistently underplays one of the class bases of ZNP the Arab landed class and therefore his analysis just cited tends to be a little voluntaristic.

⁵⁸ *Ibid.*

elements in both the ASP and ZNP. To be sure, it remained an elite party and was not able to build a real mass base during the short period of its existence.⁵⁹ The fact that most of its leading cadres were identified as Arabs (there were a few Comorians) was also a constraint to win over, particularly the mainland base of the ASP. On the other hand, ZPPP's supporters, the petty property owners, almost instinctively resented Umma's Marxist orientation.⁶⁰ Thus Umma was not able to affect decisively either the popular base of ZNP-ZPPP coalition or that of the ASP. Although it was able to attract ASP's militant youth wing ideologically, they would neither join Umma nor cooperate with it very closely. The hostility between ASP and ZNP lingered on and brushed onto Umma. Lack of a mass base and its ZNP origins probably acted as decisive limits on the role of Umma in spite of its ideological clarity and an articulate strategy of national unity against imperialism. We shall return to this issue later in this chapter.

The second important event was the formation and brief existence of the Freedom Committee. As we have seen, there was deep apprehension on the part of ASP leadership and rank and file of Arab domination through the ZNP. Lack of educated African elite made ASP take the position against immediate independence. Both at the PAFMECA Conference in Mwanza (September 1958) and the All Africa People's Conference in Accra (December 1958), ASP's position was seen as anachronistic.⁶¹ Pressure from the 1958 PAFMECA Conference on the ASP and ZNP led to the formation of the Freedom Committee to unite the two parties in their demand for immediate independence.⁶²

⁵⁹ The characterization of Umma as a 'mass revolutionary party' by Salma Babu and Amrit Wilson (2002: p. xvi) is somewhat an exaggeration.

⁶⁰ To this day the CUF leadership whose main base is still in Pemba is deeply suspicious of the 'comrades', as Umma supporters were used to be called. Interview with Ahmed Rajab, 11 September 2004.

⁶¹ Babu 1991: p. 230.

⁶² According to Babu, it was part of the undertaking in the agreement that should there be any split in any of the two parties as a result of the 'united front', both parties would condemn the splinter group and not take advantage of it. When the

The second PAFMECA Conference took place in Zanzibar in April 1959,⁶³ which continued emphasising the necessity of unity and demand immediate independence. At a mass rally of over 50,000 people, Nyerere once again underscored the need to unite and fight against racial divisions implanted and encouraged by the colonialists. Nyerere said that Africa belonged to the Africans at which there was a loud applause. Nyerere then told his audience not to clap as yet because he wanted to explain the meaning of an 'African'. He did not believe, he said, that an African was defined by the colour of his skin. For him, an African is anyone who has made Africa his home and is struggling for the rights of his country. He continued:

We are on God's land, under God's sky and breathing the air created by God. When we fight for right we are fighting for the rights of all human beings because all of us have been created to fight for our rights. ... If we were in India and found that human rights were being denied in India we would have demanded these rights. It is a great shame to see that in our own countries we are being denied these rights. Therefore, Zanzibaris unite; liberate yourselves from the shame of foreign rule.⁶⁴

But the united front in the Freedom party was threadbare. The youth under the militant leadership of Jamal Ramdhan Nasibu in the Zanzibar African Youth Movement and Othman Shariff through the Young African Social Union (YASU) opposed unity with the ZNP nationalists. The leaders of the Pemba Shirazis under Mohamed Shamte and Ali Shariff also questioned the wisdom of

ZPPP split from the ASP in December 1959, the ZNP did not honour the undertaking and started cooperating with the ZPPP, which Babu characterised as 'the second major ZNP error (1991: p. 231) Yet the Babu group did not break away from the ZNP until four years later, perhaps the first major error of the Babu group. The second, in my view, was the dissolution of Umma after the revolution to be discussed in Chapter 2.

⁶³ Nye Jr. 1966: p. 124.

⁶⁴ Mwongozi (ZNP paper), Vol. 19, No. 12, 17 April 1959.

the united front on the ground that the Arabs would dominate the Africans. This opposition was so intense that Karume called a conference in June 1959 to resolve the issue.⁶⁵ Kawawa from Tanganyika was present. Karume in answer to Shamte's objection assured him that there was no agreement on the part of ASP to accept any part of ZNP's programme; it was only an agreement to fight for independence together. In any case, PAFMECA insisted on united freedom movements and Zanzibar could not reject that wish. Karume, and Kawawa later, assured Shamte that Afro-Shirazis need not worry because they were in a majority and there was no way that the minority, ZNP nationalists, could wrest power from them. Notwithstanding, the opposition continued for the next three days of the conference until on the last day Karume produced a document signed by Nyerere and purporting to be TANU policy supported by PAFMECA delegates from Kenya, Uganda and Central Africa Federation. The document stated:⁶⁶

- (i) The Afro-Shirazi community had no need to worry about cooperation because it was recognised by all that Afro-Shirazis were the rightful owners of Zanzibar;
- (ii) That Afro-Shirazi had no reason to fear the consequences of early independence because of educational reasons because TANU would see to it that educated Zanzibaris working in Tang Govt [Tanganyika Government] department were made available to Z'bar [Zanzibar] when ind [independence] was achieved.
- (iii) That eventually, on the achievement of independence of Tanganyika and Zanzibar, the two territories would be joined together in one African Republic;⁶⁷
- (iv) That ASP must recognise that other communities, who were Zanzibaris, had political rights.

⁶⁵ The information that follows is taken from the British Intelligence Report for the month of June 1959. PRO, CO 822/1376 3185867.

⁶⁶ This is a paraphrasing of the authors of the report, not a direct quote from the original TANU document.

⁶⁷ This is perhaps the first time that anything is said about the possible union between Tanganyika and Zanzibar.

The document called for the signatures of Karume and Othman Shariff if they agreed. Because of the document, all oppositions were dropped and it was agreed that the united front with the ZNP would continue. It was also agreed that the deliberations of the conference and the TANU document would be kept secret. All members of the executive committee including Othman Shariff and Shamte took an oath not to destroy the unity of ASP. Yet within six months the ASP was split and ZPPP was launched.

As the Government announced the date of elections, which was postponed to 1961, the Freedom Committee too was dissolved as the political parties entered into vigorous campaigning. The campaign leading to the January 1961 elections was marked by bitter accusations and counter-accusations between ASP and ZNP. While ASP characterised ZNP as an Arab party, the ZNP accused ASP of being a stooge of the mainlanders and that if it came to power it would sell out to Tanganyika. Ethnicity was politicised and racist hostility was at its highest. As we have already seen, the atmosphere was so charged that it led to the June riots in which over 60 people were killed.

Once the Freedom Committee failed, Nyerere's party TANU threw its lot unreservedly in favour of ASP providing material, manpower and moral support. Just before June 1961, TANU formed a committee of four to lend assistance to the campaign for ASP.⁶⁸ Among these was TANU's fiery woman leader Bibi Titi Mohamed. It is believed that she made inflammatory racist speeches in Zanzibar which contributed to the June racial riots. The political atmosphere thus remained racially charged during the two elections in 1961 and the final election in July 1963 leading to independence in December 1963. The independence constitution was a liberal one with a bill of rights and a constitutional monarchy. While independence was received with fanfare in the Arab section of

⁶⁸ ZA GC1/19 TANU: August 1958 to August 1974, Record of a meeting (5 April 1961) of how TANU could assist ASP in the forthcoming elections in June 1961. Present: Oscar Kambona, E.B.M. Barongo and Ali Mogwe Halona (also known as Ali Mwinyi Haluwa Tambwe, personal communication from Haroub Othman).

Zanzibar city, there was indifference in the African areas.⁶⁹ Nyerere was lukewarm. He only sent his minister of health to represent Tanganyika at the independence celebrations.

The 1963 elections had revealed the extent to which the nation was split, almost in the middle. ASP got 54 per cent of the total vote while the ZNP-ZPPP alliance got 46 per cent. In Pemba, the ZNP-ZPPP alliance got 56 per cent compared to ASP's 44 per cent. Babu's Umma party called for a government of national unity and offered its services to mediate. It saw imperialism as the main enemy and independence as the immediate demand.⁷⁰ But this was a lone voice, a voice in the political wilderness. Daggers had been drawn and as we shall see, on attaining power on independence the ZNP-ZPPP Government felt even more insecure taking a number of measures which further alienated it from the popular masses.

SUMMING UP

Class struggles and ethnic ideologies

Discussing a typical colonial situation, Amilcar Cabral says that imperial domination subordinates internal class contradictions, thus 'removing' the colonised from history, history being a history of class struggles. In an anti-colonial struggle, therefore, the nation *as a whole* confronts the colonial power. With national liberation, the colonised people regain history as their destiny is determined now by internal class struggles.⁷¹ The Cabral thesis has to be modified a little when applied to Zanzibar. Before Zanzibar became a colonial Protectorate, it had a century or so of Omani rule, and even before

⁶⁹ See generally Ayany 1970: Chapter 8.

⁷⁰ Zanews, Bulletin No. 684, 17 July 1963.

⁷¹ Amilcar Cabral, 'The Weapon of Theory', in Cabral 1980: p. 119 et. seq. I have slightly simplified Cabral's complex argument. For example, Cabral did not accept the Marxian axiom that all history is a history of class struggles. If so, he argued, people who had not developed classes in pre-European encounter Africa would have had no history. He thus puts emphasis on the state and development of productive forces and ownership of means of production as the harbinger of history.

the Omani rule it was part of a flourishing Swahili civilisation for almost two centuries based on city-states. This underlined the development of state and society on the islands. In this sense, Bowle's observation that 'the anti-colonial movement was overshadowed by class struggles just as independence itself was later to be eclipsed by revolution'⁷² very well captures the politics of Zanzibar particularly during the last decade before the revolution.

However, we must not go to the other extreme and *essentialise* class struggle. The Zanzibari society *was* stratified ethnically and racially. Arabs and Indians, broadly speaking, were more privileged and had greater access to education, health, housing, etc. than Africans had. But, that is about all one can say because the racial and ethnic groups were internally highly stratified. The typical mainland stereotype of the pyramid racial structure – Europeans at the top, Asians in the middle and Africans at the bottom – could not therefore be simply transposed to Zanzibar, which many mainland authors and politicians are wont to do.

In the pre-*zama-za-siasa*- period, ethnic and social stratifications presented themselves and were perceived as cultural diversities, not only co-existing peacefully, but constituting an amalgam which the Zanzibaris proudly called the Zanzibari culture, or the Zanzibari-Swahili culture, to recall the link with the past. The legitimacy of the ruling class itself was rooted in the Zanzibari culture. This was not some conspiratorial political subterfuge of the Arab 'invaders', but had a basis in the history and struggles of the Islands as we have already seen. It should not therefore come as a surprise that unlike the white settler colonies (for example, Zimbabwe, South Africa or even Kenya for a time), the so-called Arab party, ZNP, was the first to call for common role elections, parliamentary democracy and immediate independence. It was nationalism and anti-imperialism very much within the African mainstream of national liberation struggles of the fifties and early sixties.

⁷² This is the paraphrasing by Sheriff (1991: Introduction: p. 5) not the exact words of Bowle's which appear at Bowle's 1991: p. 99. The essence is the same.

The idyllic picture of a racially peaceful Zanzibar was shattered once ethnicity and race were politicised by the political elites in the parties. The complex layers of ideological consciousness and identities, including those of race, ethnicity and culture, were simplified, and fossilised by petty bourgeois politicians involved in the struggle for power, into racial and cultural boxes, Africans and Arabs, Mainlanders and Zanzibaris. The racial ideological images constructed by the politicians for their followers also became their own lenses through which to view the society and construct politics. Thus, 'political leaders' became prisoners of their own creation.

ZNP whipped up the fear of domination of mainland Africans backed by Tanganyika and accused ASP to be the mainland surrogate, not Zanzibari. ASP equally aroused and deployed the fear of Arab domination ('the descendants of slavers') backed by Oman. Karume described Arabs as feudalists, Asians as capitalists and Europeans as imperialists.⁷³ (Fearing Arab domination, he was prepared to ally with the 'imperialists' to delay Zanzibar's independence. He wanted the British to stay a little longer 'because we will learn something from the British; the Arabs are backward just like us, and they try to make slaves of us'.)⁷⁴ This, no doubt, is an abstraction from the class-stratification of the racial groups resulting in a racial ideological construct which throughout informed the politics of his party.

Nyerere, on his part, saw Zanzibar society and politics through the mainland lenses. After the revolution, he commented to different people that he had always pressurised the British that they should hand over Zanzibar to its 'rightful owners' meaning the African majority.⁷⁵ This was supposed to be a critique of the British Government for handing over Zanzibar to a *minority*, presumably meaning the Arab minority. Again, this is a racial 'caricature' of Zanzibari society at the time. The African majority presumably included Shirazis who constituted more than 56 per cent of the

⁷³ Bailey op.cit.: p. 13.

⁷⁴ Quoted in Ayani 1970: p. 50.

⁷⁵ See below page 66 for citation of sources.

population with some 45 per cent living in Pemba. Power was handed over *not* to an Arab minority but to the coalition of ZNP and ZPPP, the latter's support coming from Shirazis of Pemba. The fact that this left behind a fragile government is a different matter. Secondly, with an Arab population of some 15 per cent (less than one-fifth of the population) ZNP garnered almost one-third of the vote. Thus, ZNP must have had the support of a significant African population. Fifty-six per cent of the vote in Pemba in the 1963 elections went to ZNP/ZPPP coalition, thus the ASP did not have the support of *all* Africans in Pemba. Nationally, ASP got 54 per cent of the vote while ZNP-ZPPP received 46 per cent. This is not a clear-cut political divide between an African majority and an Arab minority. Finally, why not the so-called Arabs be considered Africans and, therefore, a component part of the 'rightful owners' of Zanzibar? As we saw above, during the days of Freedom Committee, Nyerere himself had defined an African as someone who lives in Africa and struggles for its rights. Clearly, therefore, Nyerere's new position was an ideological construct to justify a political position, precisely the politicisation of ethnicity, which he always rightly fought against.⁷⁶

ZNP's characterisation of ASP as simply representing mainlander interests was also an abstraction from its Zanzibar support. ASP garnered some 63 per cent votes in Unguja and 44 per cent in Pemba in the 1963 elections. Clearly, therefore, ASP had not only the support of mainlanders (about one-fifth of the population), but also the support of poor and landless peasantry in both Unguja and Pemba. What is distinct about both parties and which puts them apart much more than ethnicity/race is their social/class basis. There is no doubt that ZNP's social basis was the propertied classes

⁷⁶ Nyerere's detractors have often accused him of anti-Arab and anti-Muslim biases. There may be a grain of truth in this but only a grain. After all, he was a pragmatic politician not simply a philosopher king! See, for instance, Khatib M. Rajab al-Zinjibari, 'Nyerere against Islam in Zanzibar and Tanganyika', http://victorian.fortunecity.com/portfolio/543/nyerere_and_islam.htm, accessed on 22 July 2007.

(the landlord and the rich peasantry) and that of ASP the property-less classes (workers, squatters, poor peasants, unemployed). There was in the ZNP an educated petty bourgeois elite, a section of it being progressive. It is these elite which expounded the radical Zanzibari, more territorially based, and anti-imperialist nationalism of the ZNP. Babu, to some extent, exaggerates the role of this section. When the chips were down, ZNP returned to its roots, a propertied-class base and narrow cultural nationalism. On the other hand, ASP did not have the educated elite given the 1953 Government circular banning civil servants from joining politics. This deprived the ASP of a more articulate ideology but also made it vulnerable to those elements within it with aspirations to walk into the shoes of a prosperous and privileged petty bourgeoisie.

The contributors of the 1991 volume on Zanzibar rightly underline the centrality of the materialist-class approach in explaining and understanding Zanzibar's history rather than a focus on ethnic identities (which themselves need to be explained, in any case). To quote from Sheriff's introduction, 'ethnic identities are images people have of themselves or of others, and to use these skin-deep identities to analyse history is "to write the history of images"'.⁷⁷ We would add that the same applies to politics. Politics, too, although more complex and mediated through layers of consciousness, as well as affected by political conjunctures, is *in the last instance* determined by class struggles. Babu argues that it is 'incorrect to say that either one of the two parties *represented* any one particular social class'⁷⁸ (emphasis in the original). If by this, Babu is cautioning against class over-determinism, he is right. But he tends to go to the other extreme of *voluntarism* in understanding Zanzibari politics of the time. He thus overplays the role of the progressive petty bourgeoisie in ZNP while at the same time almost ignoring the Arab landholding (and its racism) component of ZNP's social base. While correctly identifying that the cooperation of the ZPPP with ZNP strengthened the reactionary wing of the ZNP, he overstretches his

⁷⁷ Sheriff 1991: p. 7. The phrase in the quotation marks is Bowle's (1991: p. 93).

⁷⁸ Babu 1991: p. 230.

voluntaristic analysis in explaining and justifying why the progressive petty bourgeois wing did not split from ZNP at that time.

Curiously, at the other end of the spectrum, Babu tries to explain the racial nationalism of ASP by its mainlander class base:

The mainland urban workers in Zanzibar were not proletarians in the classical sense, but only small property-owning petty bourgeoisie. ... They came to work in Zanzibar in order to make extra cash to develop their land at home in order eventually to develop themselves into small-scale farmers. This class of aspiring farmers was extremely unstable and could not be relied upon to develop proletarian class consciousness and class solidarity. Their support of the ASP was primarily for self-preservation and their nationalism was racial rather than political.⁷⁹

This picture is not only overdrawn but also empirically incorrect. Firstly, Babu is referring to the *migrant* labour from the mainland that came seasonally to pick cloves. They were not the main component, either of the urban working class or the core, of the working class support for ASP. Secondly, the ex-slaves, or squatters in the rural areas, also originally from the mainland but settled for generations in Zanzibar, and who were one of the main components of support of the ASP, cannot be described in the terms used by Babu. This also applies to the core of the urban working class, who may be identified as mainlanders but who were not migrant, and if not proletarian in the classical sense, then at least semi-proletarians. Finally, even if what Babu says about the ASP class base were true, to explain its racial nationalism thus is being over-deterministic, not fully taking into account other conjunctural factors. (Lack of the educated elite in ASP, for example, which Babu himself mentions, or the trade union militancy of dockworkers that nonetheless did not transcend racial consciousness.)

Interestingly, Babu's analysis of the ZNP and ASP politics illustrates both the power of class struggles in determining politics and

⁷⁹ Ibid.: p. 234.

the dangers of *voluntarism* and *over-determinism* in explaining and directing political action.

The limits of nationalisms

ZNP's Zanzibari nationalism rooted in culture and ASP's African nationalism rooted in race; both suffered from the limits of the ideological constructs derived from politicising ethnicity or racialising politics. Both degenerated into narrow cultural and racial chauvinism resulting in a divided nation, a political *cul-de-sac* and gratuitous violence. The only way these nationalisms could transcend their limits and focus on the anti-imperialist task which history had placed before them was through Pan-Africanism. The brief experience of the Freedom Committee thus had a great potential. However, it was brief and ironically opposed vigorously by the Pemba Shirazi leaders who were later to split and join in alliance with the ZNP, strengthening the reactionary bloc within ZNP.

The only other political actors who could have helped the two parties transcend their limits were TANU, under Nyerere, and Umma under Babu. But TANU literally surrendered its independent initiative by refusing to condemn ASP's black racism while lending its cadres to actually campaign on a racial platform.⁸⁰ Umma, on the other hand, while expounding the ideology of national unity and anti-imperialism did not have the mass base. It overstayed in ZNP thus considerably reducing its credibility with ASP militants. Had Umma split from ZNP at the time of ZPPP's split from ASP, it is conceivable that it could have won over substantial numbers of ASP cadres. As it is, ASP was then in disarray and had no clear programme and direction to move forward. Umma could have then kept the Freedom Committee alive and reinforced Pan-Africanist ideology. But this is 'iffy' history and we must leave it at that.

The ideology that could have transcended the chauvinisms of ZNP and ASP was Pan-Africanism, and the Pan-Africanism of the

⁸⁰ History is full of ironies. This would not be the first time TANU would give in to Zanzibar's narrow interests.

independence period was undoubtedly militant with a vision. The Freedom Charter issued by the PAFMECA Conference in Mwanza in September 1958 while pledging itself to the establishment in each territory in East and Central Africa, 'a government of Africans by Africans on *Pan-African lines*' (emphasis added), also committed itself to fight 'white racialism and *black chauvinism*' (emphasis added). ZNP then was in fact among the leading members of the Pan-African Movement, and Pan-African leaders had a great sway and influence in the anti-colonial struggle. It was ASP that had great difficulty in accepting fully the Pan-African vision. Be that as it may, history took a different turn both for Zanzibar and for Pan-Africanism to which we shall return in subsequent chapters.

Chapter Two

THE REVOLUTION

THE INSURRECTION

On 12 January 1964, the Sultanate of Zanzibar and his Government, which had come to power just a month before, was overthrown in a bloody insurrection, baptised by detractors and admirers alike as the first African revolution in this part of the continent. There is voluminous literature on how the revolution was carried out and equally voluminous speculation as to who was behind it. At one end is the so-called autobiography of John Okello,¹ self-styled 'Field Marshall' of the insurrection, whose fierce announcements on the radio drove fear into the hearts of not only Arabs of Zanzibar but also the neighbouring leaders of mainland territories. At the other end is the 'official' account of the revolution published on its first anniversary in the English newspaper of the Tanganyika ruling party Tanganyika African National Union (TANU).² Between these two 'mythologies'³ lie the accounts of various Western reporters and writers, based mainly on contemporary newspaper reports and

¹ Okello 1967.

² *The Nationalist* (Tanzania), 12 January 1965, reproduced as an appendix in Okello 1965: pp. 209–222.

³ I call these 'mythologies' because in one the hero is Okello who claims to have conceived, planned and executed the revolution in the interest of the black African against the Arab tyrant directed by voices from Gideon. In this account even Karume was not told and did not know. In the official account, the sole leader, planner, driving force and the guide of the revolution was Abeid Amani Karume. In this account not even once is Okello mentioned! Both accounts are geared to create a cult of a messiah (Okello) or a great revolutionary (Karume). No doubt

interviews with ex-British officers serving in Zanzibar at the time. Quite a few of these are speculative; others draw inferences from thin evidence. It is not the purpose of this chapter to sort out the authentic from the invented. In reconstructing the story, I have concentrated on the essentials. This reconstruction is partly based on contemporary primary documents in the British archives verified against interviews conducted with some of the Zanzibari actors themselves and compared with the secondary published sources. We have eschewed details and concentrated only on those aspects which are germane to our analysis.⁴

On the eve of the insurrection

The Zanzibar Nationalist Party–Zanzibar and Pemba People's Party (ZNP–ZPPP) government that came to power on the morrow of independence was a desperate government, while the opposition Afro-Shirazi Party (ASP) was frustrated and crippled by divisions and internal rivalries.⁵ The period preceding independence demonstrated the extent to which the Zanzibari society itself was divided and fractionalised. ASP felt cheated out of power and its militant wing, particularly the ASP Youth League (ASPYL) and

both contain some truths, some half-truths and a lot of invented detail, which conflict with the more sober versions of the actors themselves. I found that the accounts of Aboud Jumbe (a former member of the Revolutionary Council) and Shaabani Salim (former Umma), where memory served them right, convincing in terms of their accuracy and authenticity. Jumbe from ASP and Shaabani Salim from Umma, while participants were not central figures; their accounts are likely to be more objective.

⁴ The secondary sources consulted are: Kyle 1964, Lofchie 1965, Clayton 1981, Middleton & Campbell 1965 and Smith 1971. Primary documents include statements of British officers made at the time and found in the Public Records Office (PRO), Britain. These are cited at appropriate places.

⁵ The traditional divide in the ASP with Pemba Shirazis had once again become quite serious. When the 'revolution' happened, for example, Aboud Jumbe was in Pemba where he had been sent by Karume to gauge the atmosphere following a visit there by Hasnu Makame, Othman Shariff – former YASU – who wanted the ASP to 'join the Government'. Interview op. cit.

some trade union leaders, was angrily questioning the constitutional path and demanding revenge. The long-standing rivalry between Karume and Othman Shariff became even more fractious. Meanwhile, Umma was threatening to emerge as a new pole. ASP envied it, ZNP feared it.

Besides Umma, ZNP mortally feared mainland invasion. It did not trust Zanzibari mainlanders either. It set into motion the policy of Zanzibarisation of the police force. A month before independence, the Commissioner of Police, J. M. Sullivan, was called by Ali Muhsin, who was then the Minister for Home and Local Affairs, and ordered to make arrangements for the removal of all non-Zanzibaris from the police force. All experienced senior NCOs and inspectors were from the mainland. There were some 270 men who would be affected. Of these, 90 were Tanganyikans, the rest from other mainland territories.⁶ These people were released from service without compensation. They went away with a grievance. It is believed that many of them sympathised with the ASP and may have joined in the insurrection. They must have played an important role in supplying the insurrectionists with vital information.

Sometime in August 1963, the government had passed the draconian Societies Decree, in the face of opposition from ASP and Umma, under which a society considered undesirable, could be banned and its property confiscated. On 2 January 1964, the cabinet decided to declare Umma unlawful.⁷ Umma was banned and its property confiscated.⁸ The police raid on Umma offices seized large quantities of documents, printing machines and photographic equipment. The membership roll showed that Umma had some 1000 members including 'a large number of Government officers of various departments and ranks'.⁹ On a search of Babu's

⁶ J. M. Sullivan, 'Notes made by the late Commissioner of Police – Zanzibar', 17 January 1964, PRO DO 185/59, Revolution (003).

⁷ See 'Report by Mervyn Vice Smithyman, Permanent Secretary to late Prime Minister of Zanzibar, dictated on 16 January 1964', PRO DO 185/59.

⁸ General Notice No. 24 and 25 of 6 January 1964.

⁹ Sullivan op. cit.: p. 6.

house, an unserviceable revolver was found for which he was charged with possession of a fire-arm without a certificate, and his trial was scheduled to begin on 13 January.¹⁰ Babu was tipped off that there was an arrest warrant out for him. He escaped to Tanganyika in a canoe on Thursday the 8th of January.¹¹

Overall, the situation was tense and the government felt insecure. In desperation, it took measures, which worsened the situation further. The banning of Umma sent alarm signals to ASP that it was next on the list. British officers had repeatedly warned the new Government of its vulnerability and urged it to enter into some kind of defense treaty with Kenya or Britain. Eventually, when approached by Prime Minister Shamte with a proposal for such a defense arrangement, the British declined.¹² Thus the Government was politically a lame duck, and militarily, a sitting duck.

Western reporters at the time and writers subsequently have speculated that there were not one but three coups in preparation when the 'revolution' broke out.¹³ According to these accounts one was being prepared by Kassim Hanga, a communist-leaning leader of ASP, possibly in consultation with Oscar Kambona, the Foreign Minister of Tanganyika; another by Babu and his comrades in Umma and the third by John Okello and the ASPYL. We need not be detained by establishing the authenticity or otherwise of this. Suffice it to say there is little concrete evidence that Umma was actually preparing to overthrow the Government, although as Marxist revolutionaries they might have talked about it as a medium term strategy. In any case, Umma has consistently denied that they were involved in the planning of *any* coup. As for the Hanga story, imagining communists at every corner, Western writers too readily accepted even slightest evidence to conjure up a communist plot.

¹⁰ Ibid. Also a diary was found in which there was material on how to make a revolution, etc. Sullivan makes a lot of this diary to prove that the 'revolution' was the handiwork of Babu.

¹¹ Clayton 1981: p. 82.

¹² Smithyman op. cit.: p. 5.

¹³ See Kyle op. cit., Smith op. cit., Clayton op. cit.

The Hanga speculation might have also stuck at the time because of his tendency to exaggerate his own role.¹⁴

With the benefit of hindsight and the available contemporary evidence, it can be said with certainty that the insurrection was conceived, planned and executed by the ASP Youth league under the leadership of people like Seif Bakari, Abdalla Natepe, Said wa Shoto, Abdulla Mfarinyaki (a recent arrival from mainland) and others. At some point, they enlisted the help of the daredevil John Okello. He was a Ugandan who had arrived in Zanzibar some five to six years before. He was doing odd jobs and was a minor functionary in an ASP branch in Pemba. Like his compatriot, the later day dictator and butcher of Uganda, Idi Amin Dada, he heard voices from God and believed in his messianic role as the liberator of the black race. Together, this group of people later came to be called the 'Committee of 14'.

Members of the 'Committee of 14' were by no means a bunch of professional revolutionaries with a political theory and a military strategy. They were fired by anger and racial hatred, undoubtedly representing the pent-up grievance of the people who had suffered from 'Arab' oppression. The fact that Okello was able to assume the leadership of the insurrection was not so much because of his strength but because of the weakness of the ASP youth leaders. One of the myths spun by ASP politicians is that they chose Okello to make announcements because of his fierce voice.¹⁵ This is simply not believable. No serious revolutionary politician would have chosen a mainlander with a mainland accent and a Christian name in a population of 99 per cent Muslims to make the most important initial announcements concerning the overthrow of the old order and establishment of a new order. There can be little doubt that Okello did play a significant military role, not only during the insurrection

¹⁴ Smith 1971: p. 145 for the Hanga story.

¹⁵ Aboud Jumbe told the author that he did not know Okello until he saw him with Natepe at Raha Leo (the headquarters of the insurrectionists) on Sunday evening. By that time Okello had not started making announcements. Jumbe noted his accent and "used him" to make announcements to hide 'our identity'. Interview with Jumbe, *op. cit.*

but also in pre-revolution training, however rudimentary it might have been. The insurrectionists probably had some idea of overthrowing the Government but they certainly did not know, nor had they planned, as to what they would do with power after the Government had fallen.

The question that has been speculated upon a lot in the literature is whether the ASP and Umma politicians knew of the impending 'revolution'. It appears that Karume may have known but he was not told all the details nor did he participate in its planning. Jumbe, who was then the Party's chief whip in the Legislative Assembly, told the author that he was called from Pemba by Thabit Kombo (ASP's Secretary General) on Tuesday or Thursday. He flew back on Friday and straight went to the ASP party headquarters where he met Karume and Thabit Kombo. Karume gave him a special assignment to instruct all ASP members of the Legislative Council not to leave until further instructions. Jumbe found that Kassim Hanga and Saleh Saadalla had taken their wives to Dar es Salaam. So apparently, they knew; Jumbe did not until the next day.

Babu came to learn of the impending 'revolution' from Saadalla on Friday.¹⁶ It is doubtful if other members of Umma knew at all. It is not clear if the Tanganyika leadership knew or was involved in any way. It is conceivable though that at least by Friday Hanga and or Babu could have informed Kambona or Nyerere or both.

The government camp

Meanwhile, rumours that something was going to happen were rife in Unguja. On Friday night the prime minister called the Commissioner of Police and informed him that he had been told that the next morning some commotion would be created and Arabs would be molested. Under the cover of the disturbance,

¹⁶ Interview Shaabani Salim op. cit. This story is definitely credible. Babu is quoted in Smith (1971: p. 130) that he came to know about it from 'a member of the Afro-Shirazis' on Friday in Dar es Salaam. This member could not be any one else except Saadalla who was already in Dar es Salaam as Jumbe says in his interview.

boatloads of arms from the mainland would be smuggled in. Although the Prime Minister did not mention the name of the informant, British officers were certain that it was Othman Shariff and that he did it to destabilise the Government on the one hand, and as part of his strategy in his quarrel with Karume, on the other. On Saturday morning, Karume called one Bott from the Special Branch to the party headquarters. He found Karume and Jumbe in a locked room. Karume informed him that they had information that there was going to be some trouble that night and that neither he nor ASP was responsible. One report even says that the information from Karume specifically mentioned that there was going to be an attack on Ziواني and Mtoni police stations.¹⁷

This encounter is confirmed by Jumbe.¹⁸ He told me that on Saturday morning, a lady chairman of the party branch had informed him that there was some suspicious meeting in the area. Jumbe then informed Karume. Similar report came from Daudi Mahmood from his branch. At that point Karume said that there was going to be a revolution that day. But Jumbe cautioned that there seemed to have been a leak at which Karume replied that there was no way the revolution could be postponed. On Jumbe's advice, they requested the Commissioner of Police to meet them. According to Jumbe, this was a deliberate stratagem on their part to find out the extent of the leak. Karume's detractors have used this encounter to show that Karume was deeply scared and informed the police to disown responsibility.¹⁹

There were more reports to the police.²⁰ An informant from the fete, organised by ASP on Saturday, brought the details of a conversation he had overheard to the effect that the armouries at Ziواني and Mtoni would be attacked that night and that the Sultan

¹⁷ Assistant Superintendent Waring, 16 January 1964, p. 3, PRO DO 185/59.

¹⁸ Interview op. cit.

¹⁹ A number of Umma respondents.

²⁰ The following is reconstructed from the statements made by various British police officers and found at the PRO. Sullivan op. cit.; Superintendent Derham, 16 January 1964 and Assistant Superintendent Waring, 16 January 1964; all in PRO DO 185/59.

and Ali Muhsin would be killed. As a result of all this information, the Commissioner increased the guard at Ali Muhsin's residence and the Sultan's palace. Mobile patrol cars and patrols on foot were dispatched. Interestingly, these patrols were thinly armed; one of the platoons sent out was given only riot gear but no rifles.²¹

The barracks at Ziواني, which apparently was the first target followed by Mtoni, contained the main armoury where reserve arms were kept. It also had an armoury for immediate use. Assistant Superintendent Derham was the superintendent in charge of Ziواني. On instruction, he doubled the guard at Ziواني. The guards at the main gates of the barracks were *unarmed* so were the prowler patrols inside of the perimeter fence. The Commissioner of Police, Sullivan, records that during the entire evening or night the mobile foot and vehicle patrols did not report any unusual movement of large numbers of people towards any of the gates of the barracks. It is therefore 'reasonably safe to conclude that positions were taken up well beforehand in hiding them in the barracks'. However, Assistant Superintendent Derham who was at the Ziواني barracks at the time does not speculate at all as to the place – whether from inside or outside – from which the attackers originated.

By all accounts, the first attack took place at around 2.00 a.m. on Sunday morning. A couple of hundred people attacked the armoury, overran it and captured arms, which were the first arms of the insurrectionists. Derham describes some resistance that they put up but the account distinctly gives the impression that for lack of arms they were essentially overpowered.

Eventually, almost all the European officers with a few of their men withdrew to the Malindi Police headquarters where they put up resistance until about 4.00 p.m. after which they withdrew to the harbours because apparently they ran out of ammunition. By 11.00 a.m. the Commissioner had released most of the special constables and the only European officers left at Malindi were the Commissioner himself, Waring, Derham and two other European special constables. Around 4.00 p.m. the Commissioner decided

²¹ Waring op. cit.: p. 3.

that they should withdraw to the harbour because otherwise they would be overrun by the surrounding 'rebels'. Derham takes up the story:

We formed up and moved off at walking pace. Much to our surprise (and comfort) although we offered excellent targets and the rebels were fairly close to us, they did not open fire.

Later a couple of European officers returned to fetch some men who had been left behind. Let Derham again complete the story:

Our armed party guarded the Baggage Room and launches whilst Mr. Belcher and I went to the dock gates to meet the police. They came running and unarmed and climbed over the gates. Rebels behind them did not open fire although they followed at a distance. We took the police to the launches and to the 'Salama' [ship].

Later the 'Seyyid Khalifa' arrived in harbour and H.M. The Sultan was transferred from the 'Salama' to that ship. The police force was divided into two parties by the Commissioner and I was ordered to proceed to the 'Seyyid Khalifa' with Mr. Waring, Mr. Misra and Mr. Belcher, and a number of inspectors, N.C.O.s and men.

Shots were fired at us from the shore but we were out of range and neither vessel was hit.

There was not a single casualty among European officers, nor was a single one of them wounded. This was neither a surrender, which the Commissioner had ruled out, nor a chasing out under fire. It was a graceful departure of the remaining British 'armed might' which had hitherto 'protected' the Sultan. Malindi police station was last to fall and by then it was clear that the 'insurrection' had succeeded.

At least one of my respondents wondered aloud as to the role of British officers during the 'revolution'.²² There is no shred of evidence to suggest complicity of the British, or even that they had a

²² Shabani Salim, interview, op. cit.

hand in the 'insurrection'. There is however considerable circumstantial evidence of the lukewarm attitude and cynicism of British officers on the ground towards the fate of the ZNP-ZPPP Government.²³ At the least, they were indifferent. The report of the Permanent Secretary Smithyman to the former Prime Minister, perhaps the only officer who shows some empathy with the ZNP Government, records this rather curious conversation. At 5.30 a.m., that is about three hours after the first shots being fired, Smithyman recalls:

In a conversation with the British High Commissioner, he said "the question now arises as to the legal government". This amazed the Attorney General and myself at that stage. I replied that no such question arose at that stage.²⁴

For the British High Commissioner to wonder whether the 'legal government' was still in power only about three hours after the first shots were fired is indeed very strange, to say the least. It should also be noted that Shamte had got in touch with the Tanganyika and Kenyan governments seeking assistance but none obliged.²⁵ In Kenya Murumbi, who was then the Foreign Minister, received the call and promised to consult Kenyatta, who was then the Prime Minister of Kenya, who, as we shall see later, was totally against any intervention. The Whitehall in London, too, had accepted the insurrection as a *fait accompli* by Monday, hardly two days after the uprising. As we shall see later, Britain was more concerned about other issues than the fate of the Sultan's government.

²³ Assistant Superintendent Waring repeatedly makes observation in his report of being told by Arabs that there was going to be an invasion from Tanganyika. 'From force of habit' he did not believe this kind of reports. Commenting on the report from the Commissioner on the information from Karume, he says: 'I did not take this report very seriously as I had been subjected to the wildest rumours during the past fortnight.' (op. cit.: p. 3)

²⁴ Smithyman op. cit.: p. 11.

²⁵ PRO 'Revolution and Mutiny in East Africa – Narrative Account.' DO 185/59 Revolution (043).

Be that as it may, we now turn to the happenings in the camp of the insurrectionists at Raha Leo.

The 'rebel' camp

The arms obtained from the Ziwani and Mtoni police stations were distributed indiscriminately by Okello. Many lumpen elements thus came into possession of arms which they did not know how to use. There was quite a bit of looting and unnecessary killing. Meanwhile, the Okello group established its headquarters at Raha Leo.

Jumbe was advised by Karume not to participate in any of the festivities (fete, dancing etc.) organised by ASP on Saturday. Instead he should go home and stay there until further instructions. Jumbe slept fully dressed up. At around 2.00 a.m. he heard the shots. He was sitting outside with his panga when a police vehicle came to fetch him around 4.00 a.m. and drove him to Raha Leo. Karume, Thabit Kombo and Yusuf Himidi were there but none of the Legislative Council members were present. Jumbe and some one else started training a few people in the use of arms. Later, around 6.00 or 7.00 a.m. Umma cadres joined in.

A number of Umma cadres were trained in Cuba and elsewhere. They knew how to use arms. As soon as they heard of the uprising they joined in. One of the persons who is often mentioned as being active around this time is Badawi whom Umma people credit with having introduced the idea of taking over state power. According to one respondent, the ASP Youth had no idea about the taking of state power; they simply wanted to go on a burning spree to create chaos.²⁶ This may be slightly exaggerated. Nonetheless, the intervention of Umma introduced considerable order. For example, the 'rebels' after seizing arms did not even capture the airport or the cable and wireless or cut off communication until much later and most probably at the suggestion of Umma cadres.²⁷

²⁶ Interview, Ahmed Rajab, 11 September 2004. See also Babu 1991: p. 240.

²⁷ PRO 'Zanzibar Revolution: A Report by A. A. E. Forsyth-Thompson, Ex-Permanent Secretary, PM's Department, Zanzibar' DO 185/59: Revolution (031). See also Smith 1971: p. 143.

But it is also true that Umma intervention was not able to prevent massacres.²⁸ Besides accidental and revenge killings by the lumpen in Zanzibar Town, there were massacres in the more peripheral and rural areas, particularly of whole families of Manga Arabs. Many Arabs were detained and later in the week boatloads of them were sent off to Muscat.

At some point, around 11.00 a.m. on Sunday Karume slipped away to Dar es Salaam in a small canoe. It is not clear whether he was whisked away for his own safety or he got frightened by Okello and went to seek Nyerere's assistance. According to Smith, who does not cite any source, that evening Karume met Nyerere who urged him to go back immediately because his 'stabilising influence was needed on the island'.²⁹ Whatever was the case, Karume, Hanga and Babu returned to Zanzibar in the early hours of Monday morning. They were ferried in a fishing boat owned by an Israeli, Misha Fainzilber, who was a close friend of ASP.³⁰ The 'Cabinet' and the revolutionary council were formed in the next two days. The People's Republic of Zanzibar was proclaimed. Umma was pushing for Kassim Hanga as an executive Prime Minister with Karume as a figurehead. In fact, the initial announcement did mention Hanga as the prime minister. Apparently, Othman Shariff instigated Karume against this and Hanga, lacking in confidence, caved in.³¹

The lineup of the Cabinet was Karume as the President, Hanga as the Vice- President, Babu as the minister for external affairs and trade, Jumbe as the minister for health and welfare, Hasnu Makame as the minister for finance and development, Othman Shariff as the minister for education and culture, Wakyl as the minister of

²⁸ Babu (1991) minimises the killings perhaps in an attempt to justify his argument about the role of Umma. Shabani Salim (interview op. cit.) on the other hand admits massacres but argues that they would have been even worse without Umma intervention.

²⁹ Smith 1971: p. 146. Babu confirmed this story to Abdul Sheriff (personal communication from Sheriff).

³⁰ Smithyman op. cit.: p. 8.

³¹ Interview Rajab op. cit. Aboud Jumbe confirms that Umma wanted Hanga to be prime minister and Karume as titular head. See also Clayton 1981: p. 84.

communication and works, Saadalla as the minister for agriculture, and Twala and Moyo as junior ministers respectively in the office of the president and the ministry of communications.³² Thus virtually the whole of ASP's educated cadre was on the Cabinet.

The Revolutionary Council consisted of 30 people, that is, the whole of the Cabinet (10), the 'Committee of 14' (14), the newly appointed Commissioner of Police Edington Kisasi (originally from mainland), former trade unionists (2) and other minor ASP functionaries (3). Besides Babu, the only other Umma person on the Revolutionary Council was Khamis Abdulla Ameir. Within the ASP, Shariff, Wakyl, Makame, Saadalla and Jumbe would be considered moderates while Hanga, Twala and Moyo were more militant.³³ The Revolutionary Council became the ultimate ruling body with supreme powers.

While the government was violently toppled in Unguja, Pemba was calm, utterly unruffled. Jumbe says that he personally knew the government administrators in Pemba. On Sunday evening he rang them up and advised them to raise the ASP flag the next day if they wanted to avoid blood shed. ("I was threatening them!" he said.) It was only the next week that a number of people including Jumbe and Okello went to Pemba.³⁴ Okello arrested some Arabs and terrorised and humiliated the Asian and Arab population as a warning.³⁵ Otherwise Pemba did not participate in the insurrection in any form. At best, the population there was either indifferent or leaderless and lost.³⁶ Ali Sultan Issa, a Pemban Arab and a Cuban trained Umma cadre, was installed as the administrator of Pemba.

Okello seemed to be developing his own ambitions, the law and order situation was not quickly restored either. On Thursday, Karume and Babu travelled to Dar es Salaam to seek police assistance

³² *Kweupe*, Saturday 18 January 1964, a government publication, first announced the Cabinet formally. See also General Notice No. 70 of 25 January 1964.

³³ Clayton 1981: p. 91.

³⁴ Jumbe interview.

³⁵ Clayton 1981: pp. 89–90.

³⁶ PRO 'Report by Forsyth-Thompson' op. cit.

from Nyerere. Eventually, 300 Tanganyikan police arrived on the islands to help keep order. Over the next few weeks the situation was still tense. It was made worse by army mutinies in all the three Eastern African countries, which were put down with the help of the British army. For at least one week Nyerere was preoccupied with the mutiny. He dramatically disappeared for a couple of days while Kambona tried to negotiate with the mutineers. Two days after he reappeared he sought assistance from the British. Sixty British marines bombarded the Calito barracks. Mutineers surrendered. Nyerere dissolved the army and rebuilt one from scratch while the Nigerian troops looked after his defence.³⁷ Meanwhile, Okello had to be eased out. With the help of Nyerere, Okello was finally sent off sometime in February and declared a *persona non grata* in Zanzibar.³⁸

Ali Nabwa and Salim Said Rashid arrived at this time from London.³⁹ Salim Rashid was appointed Secretary to the Cabinet and the Revolutionary Council⁴⁰ and was to play an important role in the next couple of months. Both were Umma cadres, although Ali Nabwa says he was only a fellow-traveller. Salim Rashid was educated in England and went to the London School of Economics. He had been active in the ZNP and split from it together with Babu when they formed the Umma. He told the author that Karume called him to come back from London.⁴¹

³⁷ See generally Smith 1981: pp. 149 et. seq.

³⁸ Smith *ibid.*

³⁹ Interview Shaabani Salim *op. cit.*

⁴⁰ General Notice No. 75 of 25 January 1964.

⁴¹ Interview Salim Rashid, 23 August 2004. Salim said that before the revolution in a meeting with Nyerere and Kambona in Dar es Salaam where Karume, Babu and himself were present, they had discussed the possibility of making a revolution. Nyerere advised against it. He advised that those who had broken off from ZNP should form their own party, not join ASP because former ZNP would not want to join ASP. (By this time they had already formed their party Umma.) Secondly, there were going to be elections in three years time; then the coalition of ASP and Umma would defeat the ZNP-ZPPP coalition and come to power. (I could not verify this story from any other source and therefore cannot vouch to its accuracy.)

The international camp

While on the domestic front the 'revolutionary government' had been established and begun to function, on the international front there was fervent activity in both the East and West bloc countries. The world had just emerged from the Cuban missile crisis. The Cold War was at its high point. Western tourists back from the islands had spread the story that they had spotted Cubans. These were actually Umma people who had been trained in Cuba, donned beards and saluted in Spanish 'Venceramos'. But the label of Zanzibar becoming the 'Cuba of Africa' stuck. American diplomats in Dar es Salaam sent exaggerated stories back home about the communist influence.⁴² While the West dilly-dallied over recognition, African governments and the East bloc countries recognised Karume's government within a matter of weeks.⁴³

Both Kenya and Tanganyika had been asked on Sunday for assistance. Kenyatta would not make a decision until he had met his Cabinet and the East African colleagues. Even before the meeting took place, news arrived from the British High Commissioner in Zanzibar that the rebels had taken over all strategic points and that the rebels were in control. This allowed Kenyatta to postpone the issue of sending any reinforcements to Zanzibar. He was in fact dead against any intervention and made it very clear that he would not support any British intervention.⁴⁴ On the 13th, Kenya recognised Zanzibar even before the Cabinet meeting was over. Uganda followed suit on the 14th.

⁴² Carlucci, then a junior American officer in Zanzibar was worried that if Zanzibar went communist he would be blamed and that would affect his future career. He was advised by an Embassy official in Dar es Salaam that 'he should represent everything in the blackest terms, so that at least his judgement would not be impugned if disaster came'. PRO 'Letter from G. E. Millard dated 11 March 1964, FO 371/176601.

⁴³ Yugoslavia, GDR, Czechoslovakia and Vietnam recognised on the 13th. Clayton 1981: p. 108.

⁴⁴ PRO 'Revolution and Mutiny' op. cit. DO 185/59: Revolution.

Unlike the Americans, the British were more sober. They did not wish to intervene in any case. As early as Monday the 13th, the Commonwealth Secretary wrote to Kenyatta:

We are all agreed, I think, that we do not want intervention by any outside power in Zanzibar affairs and we have been scrupulous in observing this. But two prominent members of Sheikh Karume's team – Mr. Hanga and Mr. Mohamed – are widely believed to have been long sympathetic to Communist cause. If a Government a few miles off the east African coast were to develop pronounced Communist leanings and where possible even disposed to grant military facilities to the Communist powers, this would be a most disturbing factor. As I see it, much may turn on Sheikh Karume's ability to control the situation. But I should greatly appreciate your assessment of the situation.⁴⁵

Similar messages were sent to Obote of Uganda and Nyerere. Clearly the concern here was not about the overthrow of the British-installed old government. Rather it was about the so-called Communist influence. All the three East African governments had their independence through the Lancaster House negotiations. All the three governments were considered moderate within the Commonwealth and generally pro-West. But all three, particularly Nyerere, were also nationalists. The possibility of a 'communist state' at their doorstep bothered them. But their greater headache perhaps was to avoid getting embroiled in the Cold War.

The British diplomats in their correspondence were clear that Karume was moderate and even a British friend.⁴⁶ He could be won

⁴⁵Ibid. appendix V. None of the three East African leaders replied with their own assessment although they made it clear, time and time again, to the Western ambassadors that they would not like a communist state at their doorstep.

⁴⁶ One British official describing the then Secretary of State, Sandys', impression on meeting Karume, Hanga and Babu says it all: 'Babu was equally polite and is, in Mr. Sandys' description, an engaging rogue. Hanga is a dimmer personality. Karume, in Mr. Sandys' opinion, is very much the best bet.' PRO 'Millar's letter' op. cit. FO 371/176601.

over. The problem was Babu and Umma. Given the nationalist sensitivity of African governments, none of the Western governments wanted to intervene directly; rather they would bring pressure to bear on the mainland governments. Eventually that worked, as we shall see in the next chapter. Perhaps, Britain calculated that withholding recognition would pressurise Karume to distance himself from Babu. In the event, it backfired. Karume was furious at the delay. He expelled the British ambassador on 19 February. Recognition came four days' later on 23 February.⁴⁷

The Soviet Union, China and East Germany did not lose time. Immediately after recognition they came up with military, medical and other aid. For the first time, East Germany was able to establish an embassy outside the East bloc countries. For the next few months Zanzibar, and later the United Republic of Tanganyika and Zanzibar, became a beehive of diplomatic activity predominated by Cold War considerations on the part of Western powers.⁴⁸

THE 100-DAY REVOLUTION

The 'Zanzibar Revolution' lasted 100 days before the counter-revolution set in. The Western bloc countries continued to exchange messages among themselves, particularly Britain and the USA, and pressurise both subtly and overtly the East African governments to do something about what they perceived to be a growing communist influence in Zanzibar. The Eastern bloc countries, particularly German Democratic Republic (GDR) and China, brought in more military and economic aid. The Umma cadre who had participated in the insurrection formed the nucleus of the new People's Liberation Army, the central figure being Ali Mahfoudh, who was trained in Cuba.

The Revolutionary Council was meeting almost on daily basis to keep watch on the security situation.⁴⁹ According to Salim

⁴⁷ Clayton 1981: p. 104.

⁴⁸ See generally the diplomatic dispatches from the American ambassador in Wilson 1989.

⁴⁹ Interview Jumbe op. cit.

Rashid, the discussions at these meetings were free and vigorous. The Government Gazette of 25 January 1964 formally announced that 'the Cabinet of Ministers has agreed and the Revolutionary Council has decided that the 'Act to Declare the Constitution of the State of Zanzibar', enacted by the Constituent Assembly on the 27th day of November, 1963, be and is abrogated with effect from the 12th day of January, 1964.'⁵⁰ Force was followed by law. Another announcement dated 27 January 1964 declared that the existing laws except the overthrown constitution would continue to apply.⁵¹

New appointments were made. The 'President acting on the advice of the Cabinet of Ministers and the Revolutionary Council' appointed the former British judge G. J. Horsfall to act as the Chief Justice, Wolfgang Dourado, who was also the Attorney General in the previous government, as the Attorney General and Joel Killonzi as the Commissioner for Prisons.⁵² The appointment of Sullivan and Watson respectively as the Commissioner for Police and the Secretary to the cabinet were terminated.⁵³ They were respectively replaced by Eddigton Kisasi and Salim Said Rashid, the former being also a member of the Revolutionary Council.⁵⁴ Salim Rashid was also appointed to be the Secretary to the Revolutionary Council. The Sultan's palace became 'The People's Palace'⁵⁵ and the former British Residency 'the State House'.⁵⁶ The Official language was declared to be Kiswahili.⁵⁷

In a General Notice dated 3 February 1964 published in the *Zanzibar Gazette Extraordinary* of 6 February 1964, called 'The Legislative Powers Law, 1964', the power to make law for the government of the People's Republic of Zanzibar was vested 'in the

⁵⁰ General Notice No. 73 of 25 January 1963.

⁵¹ General Notice No. 91 of 1 February 1964.

⁵² General Notice No. 82 of 25 January 1964.

⁵³ General Notice No. 76 of 25 January 1964.

⁵⁴ General Notice No. 75 of 25 January 1964.

⁵⁵ General Notice No. 72 of 25 January 1964.

⁵⁶ General Notice No. 79 of 25 January 1964.

⁵⁷ General Notice No. 79 of 25 January 1964.

President of the Republic acting by and with the advice and consent of the Revolutionary Council' (see Appendix 1). The Notice was signed by all 30 members of the Revolutionary Council and was made, 'In the exercise of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary Council in conjunction with the Cabinet of Ministers.'⁵⁸ Thus the Revolutionary Council became both the legislative and the executive arm of the new state. The legal revolution was complete. Henceforth the 'President of the Republic by and with the advice and consent of the Revolutionary Council' made the laws called 'Presidential Decrees'.

Between 31 January 1964 and 25 March 1964, the 'President-in-Council' made 11 decrees.⁵⁹ At this time, Salim Rashid seems to have been close to Karume and had his ear. Salim worked closely with Thomas Franck, a Canadian international lawyer then teaching at the New York University, who had been a legal advisor to ASP at the Lancaster House independence constitutional talks, to draft these decrees. Salim told the author that the first five decrees, of which he seemed to be very proud, were drafted by Thomas Franck.⁶⁰ These five decrees no doubt relate to important matters and deserve mention.

The High Court Decree (No. 2/1964) dated 31 January 1964, established the High Court as a 'superior court of record and, save as otherwise provided by the President, shall have all the powers of such a court' (section 2(3)). Since the Court was supposed to apply the existing laws as modified, in effect, this Decree, however

⁵⁸ General Notice No. 111 published in *The Zanzibar Gazette Extraordinary* of 6 February /1964, Vol. LXXIII, No. 43371.

⁵⁹ Decree No. 12 of 1964 establishing the state fuel and power corporation was made in July 1964 after the Union.

⁶⁰ Salim Rashid told the author that he used to write the minutes and then send them to Karume. But Karume could neither write nor read and did not know even how to sign; that is why the Decrees were not signed! (But, Salim added, Karume was a witty man and he would seek and take advice.) This was perhaps an exaggeration because the author has seen letters written by Karume in Kiswahili and signed by him in the Zanzibar Archives. Admittedly, the style, language and almost diagonal lines on an aerogramme betray the writing of a barely literate man.

threadbare, established a judicial system in the tradition of the common law. There was of course one exception. The President could decide otherwise and later, as we shall see, the judicial system was whittled away by the decisions of the president.

The Preventive Detention Decree (No. 3/1964) gave the president wide, virtually unrestricted, powers to detain any person who in his opinion was acting in a manner dangerous to peace and good order or prejudicial to the security of the state. He could order such detention under this law even if he only felt that a person was *likely* to act in this manner. The detention order could not be challenged in any court and was indefinite, at the pleasure of the president, so to speak.⁶¹ The Cabinet Decree (No. 4/1964) constituted the office of the President and Vice-President and the Secretary to the cabinet. It also gave powers to the President to appoint such ministers and junior ministers as he might wish. The President was declared to be the head of state and the commander-in-chief of the armed forces. All members of the cabinet, including the President and the Vice-President 'shall be the members of the Revolutionary Council'.

The Constitutional Government and the Rule of Law Decree (5/1964) (see Appendix 2(i)) in two tersely worded sections established the new constitutional order. Executive power was vested in the Revolutionary Council with the President as the Head of State. 'The principal executive power is exercised on behalf of the Revolutionary Council and with its advice by the Cabinet of Ministers individually and collectively;' Judicial power was vested in the courts 'which shall be free to decide issues before them solely in accordance with law and public policy'. Legislative power was vested temporarily, 'as an interim measure', in the Revolutionary Council exercised by the President on its behalf 'in accordance

⁶¹ To be fair, Nyerere's Tanganyika passed a similar decree in 1962 which was used to detain a number of trade unionists and other opponents of the regime. Although greatly modified the Preventive Detention Act still exists on the statute books which moreover is a union law applicable to Zanzibar as well.

with its laws'. And the People's Republic of Zanzibar was declared to be 'a Democratic State dedicated to the rule of law'. Thus both legislative and executive powers were exercised by the 'President-in-Council' and the Cabinet. Section 3 envisaged that the Revolutionary Council would progressively enact constitutional decrees, which would eventually form the Constitution of Zanzibar after being passed by a 'Constituent Assembly of the Zanzibar People'. The Constituent Assembly was to be convened not later than 11 January 1965.

Decree No. 7 declared that Zanzibar would adhere to the legal principles of friendly relations among States; shall honour all treaty obligations it had freely entered into; it shall not use force nor interfere in the domestic affairs of another State abiding by the United Nations Charter. Zanzibar was dedicated 'to the furtherance of the special relationship among the peoples of East Africa', the decree asserted.

The Confiscation of Immovable Property Decree (No. 8 of 1964) gave the president powers to acquire any property if he deemed it in national interest. The acquisition would be without compensation if the president thought that it would not cause undue hardship to the owner of the acquired property. By this time, a number of properties, former racial clubs and a couple of buildings belonging to the then leading capitalist Karimjee Jivanjee, had already been confiscated.

On the face of it, these first decrees represented the intention of the Revolutionary Government to establish a new legal and constitutional order based on the principles of liberal democracy with a semblance of an independent judiciary. Although legal and executive powers were concentrated in the Revolutionary Council, this was supposed to be an interim measure pending the convening of a Constituent Assembly. The decrees were drafted by a liberal lawyer in which no doubt Salim Rashid must have had considerable input but there is hardly a tinge of 'communism' in these decrees. And that brings us to discuss the character of the 'Zanzibar Revolution.'

THE CHARACTER OF THE REVOLUTION

The Zanzibar Revolution of 1964, 'the first of its kind in modern Africa'⁶², not only became an intense site of Cold War contestation at the time it happened, but continues to be an enigma in the domestic political controversies in the country to this day. The ruling party in Zanzibar, Chama cha Mapinduzi (CCM), uses *mapinduzi daima* (revolution for ever) as its salute and slogan. The name and style of the government of Zanzibar is *Serikali ya Mapinduzi ya Zanzibar* (the Revolutionary Government of Zanzibar) and the Revolutionary Council still features in the Constitution of Zanzibar 1984, although what is left of the original council is more a name than substance. The major opposition party, the Civic United Front (CUF), which is supported by virtually the whole of Pemba, is often accused by the ruling party of not recognising the revolution. The term 'non-recognition' is presumably meant to convey the idea that CUF does not agree with CCM on the characterisation of the 1964 revolution as an overthrow of a minority *Arab* rule by the *African* majority. CCM stalwarts go further. The accusation of non-recognition is often used as a political code word for saying that if CUF were to come to power, it would restore the hated Arab rule.⁶³

These arguments and positions are no doubt politically charged and when political controversies are ethnicised they tend to lose rationality and connection with facts on the ground. It is precisely for this reason that a more sober and scientific characterisation of this fundamental event in Zanzibar's history becomes necessary.

⁶² Babu 1989, Introduction: 3 in Wilson 1989.

⁶³ This is the argument and position which runs through Mapuri's book, 1996. His basic model is that Zanzibar was under dual colonisation, British and Arab, where the Arabs formed the upper class, which was the most privileged; the Indians formed a middle stratum and the Africans the lowest class. And he argues that the current contestation between CCM and CUF is essentially racial and that if CUF were to come to power, they would restore the Arab Sultanate (see *ibid.* pp. 3–4). This may sound somewhat fanciful to any scientific observer, yet it continues to be the substance of the ruling party's position in Zanzibar, supported by even some establishment scholars.

Babu: a social(ist) revolution?

Babu asserts that the revolution started as a 'lumpen uprising by frustrated urban youths whose ultimate objective was to burn down the city of Zanzibar'. He continues:

It was only after the intervention of 'professional revolutionaries', the politically and militarily trained cadres of the Umma Party, that the lumpen uprising was transformed into a revolutionary insurrection. This unprecedented shift from a spontaneous protest to party-lead uprising, the sudden departure from necessarily narrow and limited nationalist aspirations to a social revolution, the opening of a huge vista of hope and potential to create a new social order – all this incurred the wrath of the imperialist powers ...⁶⁴

In these statements there are, in my view, some which are supported by evidence but also some exaggerations based on wishes. Umma Party had been formed hardly six months before the revolution. The core of its cadres came from ZNP and although many of them were trained in Cuba, and therefore acquainted with Marxist ideas, ZNP was never a socialist party led by a socialist ideology with a socialist programme. Even its republicanism was doubtful. ZNP was essentially a nationalist party and those who walked out of ZNP with Babu were nationalists, perhaps radical nationalists. Although this is difficult to establish, it is extremely doubtful that within a period of six months these and other newly recruited members of Umma were turned into 'professional revolutionaries' with the kind of ideological clarity and commitment that Babu ascribes to them. They may have been radical anti-imperialists but their anti-imperialism was grounded at best in Zanzibari nationalism, at worse in anti-Tanganyikanism. They looked upon Babu not only as a political leader but also *the* thinker, *the* theoretician and *the* ideologue of the Party.⁶⁵ No doubt, Babu was a clear Marxist thinker who belonged to

⁶⁴ Babu 1989: p. 1.

⁶⁵ This analysis is partly based on the author's assessment of former Umma members who he met during the 1970s and later. Umma cadres reverently called Babu

that first generation of African Marxists who were as much radical nationalists as Marxists. But the ideological orientation of a single leader, however powerful, does not make a party a socialist party.

When the Umma cadres joined the uprising in the early hours of Sunday morning, it was an *individual* act of Umma cadres. It is an exaggeration therefore to call this a 'party-led uprising'. In fact, there is no evidence at all that either just before or after that Sunday, Umma ever met *as a party* and made *any decisions as a party*. The intervention of Umma cadres did introduce order in a chaotic situation. Their presence and direction also helped the taking over of state power in a more systematic way. They did occupy strategic positions – Babu as an external minister, Salim Rashid as the secretary of the Revolutionary Council, Ali Mahfoudh in the army, Qulatin Badawi as a press officer. In these positions, they were able to introduce certain amount of consistent policy direction, for example, cultivating close relations with the Eastern bloc countries. But there is no evidence that the actions of these individual Umma members were based on any party-directed programme or even co-ordinated by the party. The ideological orientation and levels of these personalities were quite different. For instance, Salim Rashid's orientation strikes the author more as liberal rather than Marxist (witness his role in the first decrees). Ali Mahfoudh, who is another example, became much more loyal to Karume. Another younger member of Umma, Salim Ahmed Salim, was anything but a Marxist.⁶⁶ On 8 March, Karume dissolved Umma Party in a public rally in presence of Babu and there was hardly any protest. That marked the end of Umma as an organised force. After the Union, many Umma cadres were spread

'*janab*', master. To Babu's credit he never tried to develop any cult of personality; nonetheless it is true that the solidarity among former Umma was based much more on their loyalty to Babu and their Zanzibariness rather than because of an ideological stand based on Marxism.

⁶⁶ A number of Umma respondents told the author that there was personal rivalry between Salim Rashid and Babu. Salim Rashid was the only other educated member of Umma; most Umma cadres being primary and secondary school graduates. Rashid went to a secondary school in England and graduated in international relations from the London School of Economics. The late Ali Nabwa in

out, some in European countries while a significant number either went to the mainland to escape Karume's 'militant' wrath or were brought there by Nyerere. Some contact may have been maintained among them but efforts to regroup Umma did not bear fruit.⁶⁷

Generally, Umma's political and numerical presence on the Revolutionary Council was in a minority, not leading. Although there were a few left-leaning members from the ASP – Hanga, Moyo, Twala – Umma was not able to form any alliance with them. So, the 'revolution' could not even be described as a united front of socialists and nationalists. Thus, ironically, while Umma might have contributed significantly to the success of the insurrection in overthrowing the Sultan's regime, it cannot be claimed that it was able to transform it into a party-led revolutionary insurrection with a view to bring about a social revolution. If at all, therefore, groups of Umma cadres 'existed' as 'conspiratorial' groups rather than an organised (underground) *party*.

In sum, it is difficult to sustain fully Babu's thesis that the 1964 insurrection was transformed into a party-led uprising with a social(ist) revolution on its programme. Even its limited anti-imperialism, which manifested in the expulsion of US ambassador, the dismantling of the American 'rocket station', and close relation with Eastern bloc countries happened because it was convenient at the time for Karume but Karume was no convert to socialist ideology and much less an Umma ally. To a large extent, the exaggerated role attributed to Umma in the 'revolution' was the result of the Cold War propaganda by the West led by the paranoid US administration which portrayed Zanzibar as the 'Cuba of Africa' or the 'Communist Hong Kong of East Africa'.⁶⁸ More than any one else,

his draft autobiography judges Babu rather harshly on this score. (Unfortunately the autobiography titled 'From the Gallows to the Firing Squad' was not published because Nabwa died before he could do so. I am indebted to the late Ali Nabwa for making a copy available to me.)

⁶⁷ Interview Ahmed Rajab op. cit.

⁶⁸ This is Tom Mboya's (a West-oriented Kenyan minister) phrase quoted in 'The 100 days that made Tanzania', *Africa Now*, April 1984, pp. 15 et. seq. Citing a US intelligence report, this source summarises the US position at the time which held

ironically, it was Nyerere who came close to identifying the true character of the 'Zanzibar revolution'.

Nyerere: a nationalist revolution?

Julius Nyerere, in a paper circulated to his Organisation of African Unity (OAU) colleagues a year after the Union, categorised the Zanzibar revolution as a 'nationalist revolution'.⁶⁹ Nyerere took the view that Britain was responsible for the 'Zanzibar Revolution' because she handed over power to an Arab minority thus frustrating the aspirations of the African majority.⁷⁰ Nyerere often repeated that he had warned Britain not to hand over power to an Arab minority, yet they did not pay heed. Nyerere saw the Zanzibar independence government as essentially unstable because 'he [Sultan] was a descendant of invading rulers and was supported mainly by a feudal land-owning aristocracy'. As for Communist assistance to Zanzibar, Nyerere's position was that this was out of necessity because the West withdrew declaring 'Communist takeover!'.⁷¹ The Zanzibaris therefore turned to the East. 'Tanganyika urged the Western powers, including West Germany, to do the same [i.e., give assistance] so as to prevent any possibility of this nationalist revolution even appearing to be taken over by one bloc in the Cold War.' On the presence of Babu and his comrades in the government, Nyerere simply dismissed it:

There were left-wing socialists, yes, but they were a minority in a minority and a splinter from a minority. They would have urged left-wing policies, but it would not have become a Cold

that the Soviets and Chinese might want to turn Zanzibar into a 'Communist showcase' by giving aid and investments 'in much the same way that we (the USA) tried to make Puerto Rico the showcase of capitalism in the Caribbean'. (Quoted *ibid.*)

⁶⁹ PRO 'Telegram from Foreign Office to Bonn, 16 April 1965, Prem 13/610.

⁷⁰ See generally Smith 1971: pp. 172 et. seq.

⁷¹ *Ibid.*

war matter. What identified them with the East was the refusal of the Western countries to accept Zanzibar.⁷²

In the author's view, Nyerere's thesis is only partially correct but even the partial truth in it cannot be sustained given the major flaw. Nyerere continued to see the Zanzibari society through mainland lenses. An African majority pitted against an Arab minority with the British as some kind of a 'benevolent' protector of the latter. In this construction, the revolution was no more than simply a fight for independence, which would have been no different from Lancaster house handing over, as it had happened on mainland territories, had the British listened to him and not given power to the Arab minority.

Nyerere thus fails to distinguish between the 'two nationalisms' that we referred to in the first chapter. His 'African majority' thesis ignores that the majority was in fact split between the Africans of mainland origin and indigenous Shirazis, particularly the Pemba section. Secondly, he keeps presenting the ZNP as if it was exclusively a party of the Arab minority. On both counts, his thesis is flawed as we argued in the first chapter. And this flaw inevitably leads him to either ignore, or, even deliberately suppress, that the ASP nationalism was racial and rooted in black chauvinism while at the same time not recognising the force of Zanzibari *cultural* nationalism which brought together the ZNP and ZPPP. The refusal to recognise ASP's racial chauvinism meant that Nyerere ended up dealing with Zanzibar in a pragmatic manner based on political expediency in spite of his own non-racial and Pan-African principles. He had a taste of his own medicine when Karume later turned an autocrat whipping up racial hatred, insular nationalism and anti-Tanganyikan sentiments. In the hands of Karume and his Revolutionary Council hardliners, as we shall see in Chapter Four, the most reactionary aspects of ASP's black nationalism and ZNP-ZPPP's Zanzibariness combined to produce a tyrannical autocracy.

⁷² Quoted in *ibid.*: p. 173.

WHAT WAS 'ZANZIBAR REVOLUTION'?

The 1964 insurrection was a *political* not a *social* revolution.⁷³ It was political because the old political order was without a doubt overthrown. It was a revolution because the political change was fundamental. It was not a social revolution because the insurrection was not guided by a radical programme to transform the society and its relations and mode of production. Was it a popular or a populist revolution? It was certainly not popular because almost half the population was simply opposed to it. It had populist tendencies but they remained tendencies because the ASP had no coherent rhetoric of the cause of the common person or people as such. Karume's political rhetoric was narrow nationalist and chauvinist.

Finally, given its peculiarities compared to mainland territories, it is difficult to box the 'Zanzibar Revolution' in any fixed category. The peculiarities become even more complex after the union between Tanganyika and Zanzibar. From the standpoint of the '*present as history*', however, what is important are the legacies the revolution has left and which continue to haunt the contemporary political discourse and contestations rather than the exact scholarly characterisation of the 1964 event.

⁷³ Abdul Sheriff (2001: p. 313) describes it as a 'civil war'. 'Civil war' connotes a protracted fight between organised forces of civil society. But in this case it was almost a semi-spontaneous insurrection targeted at the state while the involvement of the civilians on both sides was that of minorities (youth and lumpen elements from the African community, Manga Arabs from the Arab community).

Chapter Three

THE UNION

THE CONTEXT: EAST AFRICAN UNITY

Julius Nyerere was a great believer in African unity but as a pragmatic politician, he was also prepared for a step-by-step realisation of that unity. It did not matter to him if the process began by regional integration, whether political or economic. In this, he seriously clashed with Nkrumah who argued forcefully for continental political unity based on the ideology of Pan-Africanism. We shall return to this controversy in our Conclusion. It is sufficient for the present to record that during the time of independence of the mainland East African countries (1960–1963) and the revolution (1964) there were intense discussions and political controversies over the issue of East African Federation (EAF).

The first meeting of the Pan-African Freedom Movement of East and Central Africa (PAFMECA) in Mwanza, Tanganyika, held in September 1958 came out with a ringing call against imperialism and colonialism. It was a militant stand of African nationalists and freedom movements. Among other things, PAFMECA committed itself to fight for and ‘establish in each territory, in East and Central Africa, a government of Africans by Africans on Pan-African lines’. This was essentially a call for independence and self-determination. It also pledged that ‘The movement shall fight white racialism and black chauvinism.’ It adopted a ‘Charter on Racial and Religious Discrimination’, which declared that human rights were based on the precepts of justice, equality and democracy not on race or culture. Recognising that no country was racially homogenous, it assured people of foreign origin residing in Africa that as long as they were

citizens and accepted the rule of the 'Governments of the Majority' and upheld the principles of 'true parliamentary democracy, social justice and equality, they would enjoy all the rights and protection of a citizen'.¹

The PAFMECA brought together the Afro-Shirazi Party (ASP) and Zanzibar Nationalist Party (ZNP) resulting in the formation of the short-lived Zanzibar Freedom Committee.² Both in PAFMECA and All Africa People's Conferences held in Ghana and later Tunisia and Cairo, the ZNP, through Ali Muhsin and Abdulrahman Mohamed Babu, took a militant Pan-African and anti-imperialist stand.³ But the Freedom Committee, as we saw in Chapter One, did not last long. After the break-up of the Committee, both the ASP and ZNP went down the road of narrow African nationalism and Zanzibari cultural nationalism. Tanganyika African National Union (TANU), the nationalist movement in Tanganyika under Julius Nyerere, threw its lot unreservedly behind ASP, helped it materially and politically in election campaigns thus fuelling the anti-mainland sentiments of ZNP-ZPPP (Zanzibar and Pemba People's Party) coalition who were haunted by the spectre of domination of mainlanders just as the ASP were haunted by the spectre of Arab domination. In the process, the ideals of Pan-Africanism to which all three parties (that is, ASP, ZNP and TANU) had pledged themselves were severely compromised.

As Tanganyika was approaching independence, Nyerere who had always been in the forefront of African unity, circulated a paper at the second conference of Independent African States in June 1960, proposing an EAF of the four countries, namely, Kenya, Uganda, Tanganyika and Zanzibar. The proposal was accepted in principle at the second PAFMECA conference held at Mbale, Uganda, in October 1960. The question was how to bring it about, on which there seemed

¹ The 'Freedom Charter of the Peoples of East and Central Africa' is reproduced in Zanzibar Nationalist Party n.d. 70-74, Appendix C. For a detailed narration of PAFMECA and EAF, see Nye, Jr. 1966.

² See *supra* pp. 29 - 32

³ See, ZNP op. cit. appendices for speeches.

to have emerged differences. Nyerere strongly argued that the East African countries should form the Federation before their full independence. The opponents, mainly, it seems, the Ugandans, argued for forming the federation after the countries had achieved their independence. We need not be detained by the *pro* and *contra* arguments at this stage.⁴ Suffice it to say that all the four countries got their independence without having first established the Federation. Nonetheless, the mainland territories who got their independence before Zanzibar kept the federation project alive by setting up a Working Party to examine the proposal for an EAF.

Meanwhile, as Zanzibar approached independence, the division in the ZNP between the Right headed by Ali Muhsin and the Left headed by Babu became unbridgeable leading to the split. The ZNP-ZPPP coalition which formed the Government after July 1963 elections under Shamte received and considered an invitation from Tom Mboya, Kenya's Minister for Constitutional and Legal Affairs, to nominate two representatives to the Working Party whether it accepted the proposal in principle for joining the proposed EAF.⁵ The ZNP-ZPPP Government accepted the proposal in principle⁶ and requested that a Cabinet paper be prepared on the advantages and disadvantages of Zanzibar joining the Federation. The Deputy British Resident, P. A. P. Robertson, prepared the paper. Among other things, it argued that the principal advantage was 'undoubtedly political' in that harmonious relations with mainland territories would ensure Zanzibar's security by reducing the stresses and strains between the mainland and Zanzibar. The fact that Zanzibar was a monarchy and the mainland territories were republican-inclined would be one of the main disadvantages. The paper also cautioned on the type of immigration and nationality laws. If there

⁴ See Nyerere 1966: p.85 et. seq.

⁵ ZNA 2(A). GC 8/21.

⁶ This position was not new because at the 1962 constitutional conference one of the points of broad agreement between ZNP and ASP was the acceptance of East African federation in principle. This was also the case in the September, 1963, independence constitutional conference. See Ayani 1970: p. 96 and 116.

was unrestrained freedom of movement in the federal areas, the paper seemed to imply that Zanzibar could be overwhelmed by mainlanders. All in all, the paper concludes in terms which show the perpetual concern of Zanzibaris, loss of autonomy and identity, when it comes to joining a larger association:

...[I]t would seem that a strong, tightly-knit federation with extensive powers vis-à-vis the units would tend to be the most expensive type of federation and may tend to threaten the individual identity of Zanzibar within the federation itself. A relatively loose federation, with the powers of the federal government limited, would appear to offer Zanzibar the most attractive solution to the problem of trying to reconcile the desire, on the one hand, for a separate existence as a national state with the admitted need for strength and protection that only association with a larger, wealthier, more prosperous group of states can bring.⁷

As Zanzibar attained independence under the 'Arab' Sultanate, understandably, the African nationalism of the mainland leaders was wounded and they became cool towards the new Zanzibar government, while the ZNP became more paranoid in its anti-mainlander stance. Meanwhile, the revolution intervened. It introduced a new factor in the federation equation. Pan-Africanism had to give way to pragmatism as nationalism and imperialism clashed in the disguise of Cold War contestation between the rival power blocs headed respectively by the then super-powers, the USA and the Soviet Union.

THE PUSH: IMPERIALIST PRESSURES

The Zanzibar revolution struck panic in Washington, which had just emerged from the Cuban missile crisis and from the CIA's atrocious role in the Congo. The Americans described Patrice Lumumba, a great nationalist leader and the first prime minister of Congo, as an African Castro, a Soviet stooge, most dangerous because he was

⁷ Cabinet Paper No. 11, 20 July 1963, ZA GC6/21.

charismatic. The American president, Dwight Eisenhower, even ordered the killing of Lumumba by lethal poisoning.⁸ Subsequently Lumumba was murdered with the complicity of CIA.⁹ In the midst of this, the Zanzibar revolution took place. It was immediately dubbed 'the Cuba of Africa'. This was made worse by exaggerated reports from the American embassy in Tanganyika.¹⁰ William Leonhart, the American ambassador cabled:

A Communist Zanzibar would serve them as base for subversive and insurgency operations against mainland from Kenya and to the Cape It would permit the Chicoms [Chinese Communists] and Cubans to move their training sites to African location and export "African model" of their revolutionary tactics. It would serve as propaganda example for all southern Africa of "African Socialist state" where majority has eradicated unpopular racial and economic minority which in past governed country with support of West. It would bring [outbreak of] war in Mozambique much nearer, further reduce chance of avoiding violence in Southern Rhodesia ... and advance Communism in South Africa. It would afford Communist lodgment on Western reaches of Indian Ocean.¹¹

The Americans were particularly paranoid about the Chinese, Soviet and German Democratic Republic (GDR) assistance to Zanzibar. They put pressure on the British to do something about their former protectorate. The Americans may have even considered direct intervention but British were more sober and sensitive to the nationalist sentiments of African leaders.¹² Earlier some of

⁸ At <http://www.mamboleo.org/print.php?a=1097> accessed on 13/08/2007.

⁹ See Blum 2001: pp. 137–138.

¹⁰ See Gleijeses 2002: p. 57–60.

¹¹ Quoted *ibid.*: pp. 57–58.

¹² At one point the Americans even suggested that Okello could be brought back to Zanzibar as a counter-weight to Babu. 'The American point of view appears to be as Okello is a figure of chaos, he is to be preferred to an efficient person like Babu who is under Communist direction.' British officials advised otherwise because 'Okello is too unpredictable and too violent to be made use of'. PRO Letter by Millard, *op. cit.*, FO 371/176601, 11 March 1964.

the American paranoia had brushed off on the British as well. In what reads like a 'cloak-and-dagger' conspiracy, in a cable from the Commonwealth Secretary to the British ambassador in Dar es Salaam, the writer wondered 'whether we ought not to seek a respectable excuse for intervening and eliminating Okello and other extremist elements'. The proposed plan was to create an excuse for the withdrawal of Tanganyikan policemen from Zanzibar. Since this would endanger internal security, Karume would have to look for assistance elsewhere. Since no other East African government could assist having just gone through mutinies themselves, the only source would be Britain.

The best way of bringing this [withdrawal of Tanganyika police] about might be for you and Brigadier Douglas¹³ to advise Nyerere that in view of the unsettled situation in Tanganyika every available Tanganyikan policeman is needed in Tanganyika and that it would therefore be wise to recall police at present on loan to Zanzibar. You could add that if Karume felt in need of a replacement we would be prepared to send a detachment of British soldiers to take over from Tanganyika Police.

No indication would of course be given of political objective referred to in paragraph 1 above.¹⁴

Later the British thought better. They preferred to work through Nyerere and Karume whom they considered moderate and 'friends' of the British. After all, British troops had assisted all the three East African leaders, Nyerere, Kenyatta and Obote, when their own soldiers mutinied in January, a week after the revolution. The British adopted a two-pronged strategy, firstly to win over Karume from the 'comrades' (Babu and his associates) by offering aid and 'implanting' fear in Karume that the comrades posed a threat to his power and leadership and secondly, by bringing

¹³ A British expatriate officer commanding the Tanganyika army.

¹⁴ PRO, Cable from Commonwealth Secretary to High Commissioner, Dar es Salaam, 25 January 1964, DO 185-51: Internal Security and Military Intervention.

Zanzibar in the fold of the mainland through some association. A possible federation of Zanzibar and Tanganyika was mooted by the Americans in early March. Reviewing the 'worsening internal situation in Zanzibar', the British Chancery and State Department officials concluded that 'Babu was the real centre of power, that Hanga did not count and that Karume needed Okello's support if full take-over by Babu was to be avoided'.¹⁵ One of the alternatives considered by the State Department was the federation between Zanzibar and Tanganyika. Apparently, Nyerere had been opposed to the idea when it was earlier (sometime end of February perhaps) suggested to him by the American Ambassador. The 'plot' for the federation as elaborated by one Trimble, the Deputy Assistant Secretary of State for African Affairs, went like this:

Perhaps Kenyatta could bring about a meeting on the mainland between Karume and the three other East African leaders with the object of furthering federation between Zanzibar and Tanganyika. This would risk a take-over by Babu in Karume's absence but Karume would still be President and then could invite our intervention in Zanzibar. (Trimble emphasised that this would not be the object of the exercise but simply a windfall, having in mind the Prime Minister's statement in Washington to the effect that we would go in if invited by Karume).¹⁶

Western diplomats to Tanganyika lost no opportunity to warn Nyerere of the Communist threat on his doorstep. They continued pressurising him. Nyerere went through, perhaps, one of the most indecisive moments of his rule. Only three years into independence, having been just rescued by the British troops from being overthrown in an army mutiny and still recovering from the assassination of Patrice Lumumba in the Congo and that of Sylvanus Olympio in Togo, Nyerere was acutely conscious of the utter fragility of new African regimes, including his own. Although a fervent

¹⁵ PRO, FO 371/176506, 07 March 1964.

¹⁶ *Ibid.*

anti-communist and, therefore, amenable to Western warnings of communist threats, Nyerere, as an even more fervent nationalist, was intensely sensitive to becoming a stooge of Western powers and a pawn on the chess board of the super-power rivalry. Nyerere needed no convincing that 'something had to be done' in respect of Zanzibar but he wanted to decide himself as to what should be done, and how it should be done. After all, a few years before Tanganyika's independence, he had shown his great worry about Zanzibar: "If I could tow that island out into the middle of the Indian Ocean, I'd do it." Since he could not, he towed it into the mainland, ironically, realising his other fear that Zanzibar 'will be a headache for us'. (Zanzibar did become a headache for him as long as he lived and continues to be a headache.)

So, while acknowledging that Western pressures no doubt played a role in bringing about the Union at the time it did and the manner in which it happened, it would be an exaggeration to suggest that the Union was the handyman of imperialism. Let us see how it came about.

THE RESULT: A PRAGMATIC UNION

Signing of the Articles of Union

Ideally, Nyerere would have preferred that the Zanzibar 'headache' be resolved within the larger federation of East Africa. When this failed, Nyerere, the pragmatic politician that he was, turned to the union of 300,000 islanders with 10 million mainlanders. It has been a puzzle as to when exactly the decision to form the Union was made since the whole process was shrouded in great secrecy.¹⁷ A year after the formation of the Union, at the TANU-ASP electoral conference where Nyerere was nominated by Karume to stand for

¹⁷ Jumbe in his book asserts that only a month after the revolution, Nyerere had started putting pressures on Karume to unite (see Jumbe 1994: p. 15). This is plausible although one cannot be clear whether this was a pressure in relation to the EAF or the uniting of only two countries.

the presidency of the Union, Nyerere told the story of how the Union came about and since then he often repeated it.

Nyerere and Karume were alone in the State House at Dar es Salaam. This was sometime in March. Nyerere told Karume that he had mentioned to his Kenyan and Ugandan colleagues that Tanganyika was ready to unite whenever Kenya and Uganda would be ready.

Now I'm telling you Sheikh, whenever you in Zanzibar are ready, we in Tanganyika are ready. You replied, "What is this business about being ready? We're ready right away." ... You asked me to summon the press immediately and announce to them that we are one country and that I am the president. I said no, let's wait a little...' ... 'Sheikh these are matters of law. And you said, You and your laws! For us in the Revolutionary Council, a union is a union.¹⁸

Nyerere said that the Union would have come in March, not April. But there was still a possibility of forming the union of 'three countries'. Nyerere seemed to imply that the possibility of Kenya, Tanganyika and Zanzibar uniting was being explored at the time.¹⁹ That did not come to pass. The final meeting on the issue took place on April 10 when there was a meeting in Nairobi.²⁰ The

¹⁸ This story by Nyerere is probably not the whole truth. The message of the story as told then and later was to emphasise that it was Karume who enthusiastically embraced the union. But other sources have recorded that as a matter of fact Karume vacillated a lot and that he might have finally given in because at some point Nyerere threatened to withdraw the Tanganyika police. See, Smith 1971: pp. 177–178, *Africa Now*, April 1984 op. cit. See also Jumbe 1994, op. cit. There can be little doubt that there was an element of pressure on Karume to enter the union.

¹⁹ The speech is reproduced in TANU-ASP, 'Taarifa ya Mkutano wa Uchaguzi, Electoral Conference,' 7 August 1965, Msimbazi Community Centre, ZN, BA66/30.

²⁰ This information is in a comment by a British desk officer on a 'secret report from a delicate source' about Kambona's role on the Union. PRO, DO 213-98: Union with Tanganyika, Part B. 15 June 1964.

Nairobi meeting apparently failed to bring in Kenya and that is when the decision on the union of two countries was made.²¹

Nyerere's story is confirmed in substance by two other respondents. Salim Rashid,²² who was then the Secretary to the Revolutionary Council and the Cabinet, told the author that between January and April, Karume and Nyerere used to talk frequently to each other on the phone. During this period, a delegation from Kenya headed by Kenya's then Vice-President Oginga Odinga and accompanied by a junior officer from Tanganyika's Foreign Office and Pio Gama Pinto, also a Kenyan, paid a quick two-hour visit to Karume in Zanzibar. In a letter delivered by Odinga to Karume, it was stated that Babu and Umma posed a threat to Karume. Salim, who translated the letter to Karume, told me that the letter said that Babu was 'like a cobra on your [Karume's] neck' [Salim Rashid's words]. There was no discussion on the letter but Karume must have felt very threatened.

Twice, between January and April, Nyerere summoned Karume to Dar es Salaam. Sometime in March, Salim accompanied Karume to the State House to meet Nyerere. Nyerere told Salim that he had not shaved, that he would give him a driver to go and get a shave. Salim left Nyerere and Karume alone at the State House. Salim believes that it was then that the decision on the union was made.

Another respondent, Mark Bomani,²³ who was then the Solicitor General in the Tanganyika government told the author that sometime in March, Roland Brown, who was then the Attorney General, was called by Nyerere and informed that there was a possibility of a union between Zanzibar and Tanganyika and that he should begin preparing the necessary legal instruments.²⁴

²¹ It is interesting that Nyerere was prepared to go ahead with Kenya and Zanzibar into a federation leaving Uganda out. Forty three years later, President Museveni proposed to Kenya to go ahead with the fast-tracking of the East African federation and leave Tanzania out because the latter has shown reluctance (*The Citizen*, 15/09/2007).

²² Interview op. cit.

²³ Interview with Mark Bomani, 22 November 2004.

²⁴ This is confirmed by Smith 1971: p. 176. In fact, Smith quotes Nyerere telling Roland Brown 'I want you to do some secret work for me.'

Roland Brown informed his team, including Bomani and P. R. N. Fifoot, who was the draftsman at the time, and preparations for the drafting of the Articles of Union began. Bomani also underlined that the whole thing was supposed to be a 'top secret'.

The Articles were no doubt prepared in great secrecy. The two expatriate legal officers, Brown and Fifoot, were closely involved. There was no legal advisor involved on the side of Zanzibar.²⁵ Karume did not inform the Revolutionary Council. Jumbe did not know.²⁶ Babu may have known that there was something afoot, and may have even participated in some general discussions, but did not expect the Union to happen as soon as it did.²⁷ Salim Rashid saw the Articles for the first time when 'an envelope arrived at the State House containing the Articles for Karume's signature'. Karume instructed Salim not to show it to Dourado who was then Zanzibar's Attorney General.²⁸ Salim did tell Karume that the document needed legal advice. He arranged for Nabudere, then a

²⁵ Bailey (1974: p. 31) says that Thomas Franck was involved on the side of Zanzibar. This cannot be correct. Salim did not mention this at all. Franck himself did not even drop a hint in his later interviews that he was involved in the drafting of the Articles or that he had seen them beforehand.

²⁶ Jumbe was in Pemba on the day of signing. When he arrived, Karume told him that had he arrived an hour earlier he would have witnessed the signing. Karume said: *wenzako wengi hawakupendezwa, weve unasemaje?* [Many of your colleagues didn't like it, what do you say.] Jumbe replied that he always believed that unity was strength therefore he supported the Union.] Interview op. cit.

²⁷ Smith (1971: p. 176) tells a somewhat different story but cites no source for it. According to Smith, Hanga was for the merger, Karume wavered while Babu opposed the union. Babu even brought a lawyer from the mainland to make his point that Zanzibar would be swallowed in the union. This latter part does not sound plausible when the articles were prepared in such secrecy and even Salim Rashid saw them for the first time when they came for signature.

²⁸ Dourado was never consulted on the drafting of the Articles. See Dourado 1983, paper presented to the Seminar organised by Tanganyika Law Society, July 1983, held in the Assembly Hall of the Lutheran House, City Drive, 27–29 July 1983. [Mimeo. in the author's possession now reprinted in Peter and Othman 2006: pp. 73–105 in Peter and Othman eds. 2005: p. 75.] As a matter of fact, during this crucial period Dourado was sent on compulsory leave (personal communication from Haroub Othman, 10 September 2007).

young Ugandan barrister whom Salim had met in London, to peruse the document but by the time Nabudere arrived the Articles were in the process of being signed.²⁹

In his interview with the author, Nabudere confirmed that Umma's Salim Rashid and Ali Mahfoudh had called him to Zanzibar. When he arrived in Zanzibar, he was given the office of the Attorney General to work in, all to himself. The Attorney-General at the time Dourado, was not there. Nabudere was given a copy of unsigned Articles. He spent a couple of days looking at some relevant Zanzibari laws and other documents. Then he went to see Karume at the State House. He told Karume that the decision was essentially political. Zanzibar's sovereignty would be severely circumscribed but ultimately he, Karume, had to take a political decision. Karume said that he had no problems with the Union in which case Nabudere said that he had no role. Then Karume took Nabudere downstairs saying that Nyerere had come to meet him. Nyerere was with Roland Brown. They were only four of them. Nabudere was introduced to Nyerere. There was no discussion as such on the Articles. After a while, Nabudere left. When he came out of the State House, he saw some Umma people outside protesting against the Union. Nabudere met Babu sometime in the evening of that day. Apparently, Babu had arrived on that very day. Nabudere told Babu about his meeting with Karume. Babu said that he had no problems with the Union. Nabudere left the next morning or the day after.

Nabudere could not exactly recall the dates of his arrival to and departure from Zanzibar. But he did not witness the signing of the Articles, nor did he participate in any discussions on the Articles. It is possible that Nabudere arrived in Zanzibar a couple of days before the signing. He could have met Karume on the 22nd or 23rd,³⁰ either way he did not participate in the negotiations over

²⁹ Interview with Salim Rashid *op. cit.*

³⁰ It is unlikely though that Nabudere met Karume on 22nd because (a) the circumstances of his meeting with Nyerere and Brown are too casual to indicate that this was the day on which the signing ceremony was going to take place or had

the Articles nor did he proffer any legal advice.³¹ Thus Dourado's assertion made some 20 years later that Zanzibar did not have 'legal or constitutional advice from its Principal Legal Advisor' is true. It is also true that Karume did not have *any* legal advice nor, probably, as it was to be shown repeatedly, did Karume care for law or legalities in matters of state or other matters.

Jumbe saw the Articles for the first time after the Zanzibari ministers came back from Dar es Salaam where they had gone to witness the ratification by the Tanganyika parliament. Jumbe says he told Karume that there was something amiss. 'How come we have a government but Tanganyikans don't!', Jumbe asked rhetorically. Karume, in his characteristic style, brushed it off: We'll sort it out later. If they don't have a government *si shauri yao wenyewe!*³²

The Articles of Union were signed in Zanzibar on 22 April 1964 (Appendix 3).³³ The official announcement of Nyerere's trip to Zanzibar, which was the first since the revolution, was described as a 'courtesy visit'.³⁴ The trip lasted only two hours. Nyerere travelled

already taken place, and (b) there couldn't have been Umma cadres protesting outside the gates of the State House on the 22nd since by all accounts they did not know of the signing until a day later when it was formally announced. It is not inconceivable though that Nyerere and Brown may have paid another visit to Karume on the 23rd. *Quaere* how come Nabudere did not know by 23rd that the Articles had already been signed? It does seem though that by the time Nabudere left Zanzibar, most probably on the 24th, the Articles had been signed. This is corroborated by the fact that Nabudere met Babu at the airport. By this time Babu had already made a public announcement in Nairobi that he did not object to the Union which means the Articles had already been signed (Information on Babu's Nairobi announcement from Haroub Othman, personal communication).

³¹ This is contrary to a somewhat wild assertion by Haroub Othman that, 'Both Brown and Nabudere were present in the Karume-Nyerere discussions.' See Othman 1993, in Peter and Othman 2006: p. 51.

³² Interview with Jumbe op. cit.

³³ Jumbe (1994: p. 15) states in his book that on the 21st after a telephone conversation, Karume with his personal assistant Ali Mwinyigogo travelled to Dar es Salaam. He returned on the same day and immediately instructed Mwinyigogo to prepare for the reception of Nyerere the next day.

³⁴ Smith 1971: p. 173.

with Roland Brown and Fifoot. There is an extant picture of the signing, which shows Abdulaziz Twala, Kassim Hanga and Ali Mwinyigogo from the Zanzibar side while from the Tanganyika side there were Oscar Kambona, Job Lusinde and Bhoke Munanka.³⁵

Babu was away in Indonesia when the Articles were signed. In principle, he was not opposed to the Union. As a socialist, he believed that the Union would give him wider arena to struggle for and realise his socialist ideals.³⁶ He probably changed his position later presumably on realising that the Union had not only 'swallowed' Zanzibar but also neutralised the Left. The Umma cadres in the army did not know at all about the Union. They were opposed to it. After the signing, they were all called to the State House by Karume. Salim Rashid and Babu were present. Karume said that he had heard that they were opposed to the Union but Salim Rashid did know and he (Karume) had told Salim Rashid to inform them. Salim Rashid had not informed them. At that meeting, Babu said that he knew of the impending union and justified it on various grounds.³⁷

In effect, Umma did not have a common position on the Union at the time. In fact, Umma had already been dissolved immediately after the revolution and did not act as a party. Their presence in the revolutionary government was virtually individual. It is not certain either that other members of the Revolutionary Council, particularly, members of the 'Committee of 14' would have been in favour of the Union if they had been consulted. The question whether or not the Revolutionary Council actually agreed with the union and formally ratified the Articles has become a very controversial issue in the politics of the Union. We discuss the process of ratification next.

Ratification of the Articles of Union

The Articles of Union were an international treaty signed by two executive Heads of State. In the common law legal system, followed by Zanzibar and Tanganyika, international treaties require

³⁵ See also Jumbe 1994: p. 15 and picture on p. 17.

³⁶ Interview with Salim Rashid, Nabudere, Shaabani Salum, Ahmed Rajab op. cit.

³⁷ This information is from the interview with Shaabani Salim op. cit.

to be ratified by their legislative bodies to give them force of law. Article (viii) of the Articles of Union specifically stipulated that they would be 'subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the People's Republic of Zanzibar in conjunction with the Cabinet of Ministers thereof ratifying the same and providing for the Government of the United Republic and of Zanzibar in accordance therewith'. It is significant that this clause does not simply talk about ratification, but imposes a condition that the respective legislative bodies of each party shall 'enact laws' providing for two governments.

This is exactly what was done by the Parliament of Tanganyika. On 25 April 1964 (which was a Saturday), the President of Tanganyika, Julius Nyerere, recalled parliament for this specific purpose. A number of members of the Revolutionary Council were present³⁸ as the Parliament of Tanganyika deliberated on the bill ratifying the Articles. Nyerere gave a short speech opening the debate. He emphasised the long historical association between the people of Tanganyika and those of Zanzibar, which made unity between them natural. He also underlined the desire of the people of Africa for African unity. He reiterated the desire to form the East African federation and that the Union between Tanganyika and Zanzibar would not affect their efforts in that direction. Then he turned to the motives for forming the Union.

The Union between Tanganyika and Zanzibar has been determined by our two governments for the interests of Africa and African Unity. There is no other reason. Unity in our continent does not have to come via Moscow or Washington. It is an insult to Africa to read cold war politics into every move towards African Unity. Africa has its own maturity and its own will. Our Unity is inspired by a very simple ideology – Unity. We do not propose this Union in order to support any of the 'isms of this world.'³⁹

³⁸ About Jumbe said he was sitting in the public gallery.

³⁹ I have taken this from what appears to be a semi-official translation of Nyerere's speech to the National Assembly published in a commemorative Special Issue of

The Vice-President, Rashidi Kawawa, presented the Union of Tanganyika and Zanzibar Bill, 1964 to the parliament. The session lasted one hour and forty minutes. Some eight members of parliament, including Oscar Kambona, who was then the Minister for External Affairs and Defence⁴⁰, spoke. All of them supported the Union. The Bill was passed by two-thirds majority which was required by the then Constitution of Tanganyika for passing of any constitutional amendment. This means that the Union of Tanganyika and Zanzibar Act, 1964 was considered a constitutional instrument.

The Union of Tanganyika and Zanzibar Act, 1964 (No. 22 of 1964) (Appendix 4) was assented to by the President on 25 April 1964. It came into force on 26 April 1964 and was published in 'Supplement No. 1 to the Tanganyika Gazette, Vol. XLV, No. 29' of 26 April 1964. On 27 April 1964, a delegation of 30 people led by Karume arrived in Dar es Salaam for the formal ceremony of the exchange of the instruments of ratification.⁴¹ On 27 April, the instruments of ratification were exchanged. This was captured in the famous photograph that is reproduced often in the media ever since as a visual representation of the Union. Nyerere announced and swore in his new cabinet of 23 ministers of the Government of the United Republic of Tanganyika and Zanzibar at the Karimjee Hall, the parliamentary building. Karume became the First Vice-President and Kawawa the Second Vice-President. Five portfolios went to the members of the Revolutionary Council:

About Jumbe, Minister of State in the First Vice-President's Office.

Kassim Hanga, Minister of Industry, Mines and Power.

Tanganyika and Zanzibar News Review (n.d.) published by Tanganyika Information Services. This is not a literal translation from the original Kiswahili but the message is the same, somewhat more explicit and forceful than in the original Kiswahili recorded in the Hansards, 'Majadiliano ya Bunge, Taarifa Rasmi', [Hansard] 25 April 1964 to 12 May 1964, p. 3.

⁴⁰ One of the members of parliament credited Kambona as having been instrumental in bringing about the Union.

⁴¹ This and subsequent information is from *The Nationalist*, 28 April 1964 (No. 10).

Abdulrahman Babu, Minister of State in the President's Office and Directorate of Planning.

Hassan Nassor Moyo, Minister of Justice.

Idrisa Abdul Wakil, Minister of Information and Tourism.

In effect, therefore, Babu, the only prominent member from the former Umma in the Revolutionary Council and who was perceived to be the 'communist' threat by the West, was removed from the Zanzibar scene. Others, like Kassim Hanga and Hassan Nassor Moyo, who also had leftist credentials having come from the trade union movement were part of this removal. The group of five persons also happened to be the 'educated elite' in the revolutionary council. The only people with some educational background left on the Council were Hasnu Makame, Abdulaziz Twala and Saleh Saadalla, the latter two were physically eliminated a few years later by Karume while the former was eventually appointed minister in the Union cabinet. Aboud Jumbe, by virtue of his portfolio, remained on the Islands. He continued to be a member of the Revolutionary Council. Jumbe never posed any serious threat to Karume's power.

While the ratification process on the side of Tanganyika went through the precise steps and procedures as required under the law and the Articles, the same cannot be said on the Zanzibar side. The controversy over the ratification of the Articles by Zanzibar was raised publicly, perhaps for the first time, by Wolfgang Dourado, who was Zanzibar's Attorney General at the time of the Union, in a paper delivered at a seminar organised by the Tanganyika Law Society in July 1983. Dourado asserted that there was no law ratifying the Articles in the statute books of Zanzibar nor was such law published in Zanzibar's Government Gazette.⁴² He continued: "the only evidence we have of such ratification is Tanganyika Government Notice No. 243 of the 1st May, 1964 signed by the then Acting Solicitor General, P. R. N. Fifoot stating that the law to ratify the Articles of Union, 1964 was made by the Revolutionary

⁴² Dourado 1983 in Peter & Othman 2006: p. 76.

Council of Zanzibar in conjunction with the Cabinet of Ministers.” (Appendix 5)⁴³ This author in his Professorial Inaugural lecture in 1990 confirmed that no law ratifying the Articles was ever published in Zanzibar’s Government Gazette. He argued, however, that that only showed that such a law was never ‘*published* in the Zanzibar Government Gazette’ but that was not ‘conclusive evidence that there was no ratification or enactment of the relevant law’.⁴⁴ Jumbe, somewhat tentatively in his book⁴⁵ but categorically in an interview with this author, stated that the Revolutionary Council never met to ratify the Articles.⁴⁶ Haroub Othman writing in 1993 deals with the issue of ratification in the following manner:

What is important also is that the Union agreement was ratified by both the Tanganyika National Assembly and the Revolutionary Council. Contrary to what Dourado [1983] says, supported by Shivji [1990], the Nyalali Commission, of which Dourado was a member, was satisfied that the Revolutionary Council met to ratify the Articles of Union [Tume ya Nyalali, 1992]. And Khamis Abdallah Ameir [and Babu],⁴⁷ the two Umma Party members who were in the Revolutionary Council at the time have confirmed that the matter was discussed in the council, and that while there were reservations on the part of some members, these were ‘quashed’ by Abdalla Kassim Hanga who made

⁴³ Ibid.: p. 76.

⁴⁴ Shivji 1990: p. 4.

⁴⁵ Jumbe 1994: p. 2.

⁴⁶ Jumbe 1994.

⁴⁷ In an Interview with the author (19 August 2004) Khamis Abdulla Ameir confirmed that once Karume brought the Articles to the Revolutionary Council and gave them to Salim Rashid to read. Rashid said (although as a secretary he was not suppose to say anything) that how come all the important ministries were in the hands of the Union. ‘I said, this is an important question, why not a referendum?’ Karume became very angry, stood up and said, “if you don’t want I will do it myself.” “So we kept quiet. It was not discussed.” This hardly justifies Othman drawing the conclusion that the Articles were *discussed* in the Revolutionary Council, much less that they were ratified.

an emotional intervention in support of the Union (Babu, Ameir, personal communication).

Once the Union agreement had been ratified by the legislative bodies in Tanganyika and Zanzibar, there was no further requirement in law to make them enforceable.⁴⁸

It is not clear what kind of evidence was available to the Nyalali Commission to make the assertion that the Revolutionary Council met to ratify the Articles.⁴⁹ However, Haroub Othman, who was a member of the Commission, informed the author in a personal communication [20/05/06] that the Revolutionary Council might have met probably on the 25th just before some of them travelled to Dar es Salaam because Msekwa, who was then the Clerk to the Assembly, and also a member of the Nyalali Commission, apparently informed the Commission that the opening of the Assembly had to be delayed because the Zanzibar group arrived late.

In his research for this book, the author came across two other documents, which throw further light on the controversy. In a minute dated 3 June 1964, an officer in the British High Commission in Dar es Salaam one D. F. B. La Breton, summarising the constitutional documents of the Union made the following observation:

The Tanganyika Act ratifying the Articles is No. 22 of 1964, which reproduces the Articles themselves in the Schedule. Government Notice No. 243 of 1964 published in the United Republic Official Gazette **purports** to reproduce parallel law made by the Revolutionary Council ratifying the Articles of Union, which (*mutatis mutandis*) is identical to the Tanganyika Act no. 22 of 1964. As far as Tanganyika is concerned these two laws seal the union, but Zanzibar has not published the Law of ratification so, in theory, it might be possible for it to be repudiated.⁵⁰ [Emphasis mine]

⁴⁸ Othman, H. 1993 in Peter and Othman ed. 2006: pp. 51–52.

⁴⁹ The report only makes an assertion, see *Tume ya Nyalali* 1991, vol. 1: para. 114, p. 32.

⁵⁰ PRO : DO 185/65: 'Union of Tanganyika and Zanzibar'.

This is a contemporaneous document. It is no doubt written by a legally trained person. It is unlikely that a British Officer would not have had some contact with the British expatriate officers in the Attorney General's office, including Roland Brown and Fifoot who were immediately involved in preparing the Union documents.⁵¹ At the least, therefore, by the use of the word 'purports', the writer is throwing strong doubts on the enactment of a law by the Revolutionary Council ratifying the Articles. This doubt must have had some basis in the information that the writer might have received from the expatriate officers in the Attorney General's office.

A CIA 'intelligence information cable' on Zanzibar situation dated 26 April 1964 most probably from an intelligence field officer whose name is blacked out just as the name of the source, reports among other things that 'The Revolutionary Council of Zanzibar approved Union with Tanganyika yesterday [that is, 25 April – I.G.] and Radio Zanzibar made announcement to that effect'.⁵² Significantly, when closing the second sitting of the Tanganyika Parliament on 27 April 1964, after the exchange of the instruments of ratification and swearing in of the Zanzibari members of the Cabinet, the then Vice-President Kawawa said, "*Kikao hiki ni kukamilisha kitendo kile ambacho tulikifanya siku ya Jumamosi hapa Dar es Salaam na wenzetu kule Unguja*" ['This session marks the completion of that work that we did on Saturday here in Dar es Salaam just as our colleagues did it in Zanzibar.'] This was no doubt a reference to the ratification that was done in Dar es Salaam in the first sitting of the National Assembly on the 25th.

Another CIA Intelligence Memorandum assessing the Union four years later (dated 2 December 1968) asserts that the Zanzibar

⁵¹ The author came across at least one document showing that Irene Brown, Roland Brown's wife, used to talk to the British High Commissioner. Roland Brown was a close friend of Nyerere and both Roland and Irene were sympathetic to Nyerere.

⁵² CIA, 'The Current Disarray in Zanzibar', 2 December 1968. www.foia.ucia.gov/scripts/cgise...ber=126864&partNumber=3&totalNumber=12.

Union had never been popular in Zanzibar itself and that 'it was only Tanganyika's steam-roller tactics that forced the issue.' It continues:

Mainland leaders convinced Zanzibar's President Karume, now also first vice president of Tanzania, that union with Tanganyika was the only way to prevent the then foreign minister A. M. Babu and his pro-Chinese Arabs from gaining complete control of the new African government. Karume, despite strong opposition from radical labor and youth elements, obtained Zanzibar's ratification of the agreement even though only one third of the island's governing revolutionary council voted in its favor.⁵³

Jumbe and Salim Rashid have both denied that there was ever a meeting of the Revolutionary Council to ratify the Articles. In an Affidavit sworn by Salim Rashid in the Zanziba High Court case of Rashid Salum Adiy & 9 others vs. Attorney General of *Serikali ya Mapinduzi ya Zanzibar* & 4 others (No. 20 of 2005), he deposes that he was never asked nor did he convene a meeting of the Revolutionary Council to ratify the Articles. He was never asked nor did he ever brief any draftsman to draft the law ratifying the Articles.

From this evidence, a number of conclusions can be drawn. *Firstly*, it is clear that no law has ever been published in the Zanzibar Government Gazette enacted by the Revolutionary Council ratifying the Articles. *Secondly*, it is also clear that there is no *documentary* record of the meeting of the Revolutionary Council, which is supposed to have met to ratify the Articles. *Thirdly*, it seems, from oral recollection recorded by Haroub Othman, backed by CIA intelligence report quoted above, that *some* members of the Revolutionary Council did meet on 25 April 1964, that is on the day that the Zanzibaris were scheduled to travel to Dar es Salaam to witness the session of the Tanganyika parliament to ratify the Articles. The meeting was informal; it was apparently rancorous and the idea was steamrolled by Karume with the help of Kassim

⁵³ Ibid.

Hanga. Babu was present. It is unlikely that Babu was among those who opposed the Union. It is not clear if Salim Rashid was present and whether he opposed or supported the Union. We only have his word that he was throughout an opponent of the Union.⁵⁴ *Fourthly*, while the exact number of one-third being in favour is too precise⁵⁵ to be true, because it is doubtful that even a vote was taken, there is strong evidence from the interviews and the intelligence reports cited above that the majority of the Revolutionary Council did not support the Union.

Finally, it is also very clear that the Revolutionary Council never enacted any law, nor did it even go through the motion of making any law, ratifying and giving the Articles force of law. This is further demonstrated by a number of significant substantive contradictions and slips in the so-called Union of Zanzibar and Tanganyika Law, 1964 published in the Government Gazette of the United Republic. We now turn to examine this law.

In the United Republic Official Gazette of 1 May 1964, Government Notice 243 is published notifying that 'the following law was made by the Revolutionary Council of Zanzibar in conjunction with the Cabinet of Ministers thereof, on 25 April, 1964'. This notice is dated Dar es Salaam, 27 April 1964, and signed by the Acting Solicitor-General P. R. Ninnis Fifoot. The last paragraph of the preamble states that the law to be cited as the 'Union of Zanzibar and Tanganyika Law, 1964' was made 'in exercise of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary Council in conjunction with the Cabinet of Ministers' (see Appendix 5). Firstly, it is significant that the law is called 'Law' and not Decree whereas after the Revolution, all laws passed by the Revolutionary Council and published in the Zanzibar Government Gazette, were called 'Presidential Decrees'

⁵⁴ Interview op. cit. Salim Rashid's denial of being present at the meeting should be taken with a pinch of salt. It could be an afterthought, many years later.

⁵⁵ This may be the figure of CIA's informant, most probably Othman Shariff, who is mentioned both by the Americans and the British as providing information to bolster his credibility.

and numbered consecutively. For example, Presidential Decree No. 11 called the Limitation (Transitional Provision) Decree, 1964, passed a month before the Union, was 'Made at Zanzibar, this 25th day of March 1964' and signed by Salim Said Rashid as the 'Secretary to the Revolutionary Council' at the foot while at the top it carries the assent of the President as follows 'I ASSENT, ABEID A. KARUME, *President*'. The point is that the apparent error here is not only in the name, that is, Law instead of Decree;⁵⁶ rather it reflects a deeper legal problem.

Under the treaty practice of common law countries, ratification of a treaty is done by the *legislative authority* of the state involved. This is what was envisaged under clause (vii) of the Articles, which provided ratification by the respective legislative bodies of Tanganyika and Zanzibar at the time, namely, 'the Parliament of Tanganyika and the Revolutionary Council of the People's Republic of Zanzibar'. The Tanganyika law ratifying the Articles, that is, the Union of Tanganyika and Zanzibar Act, 1964, No. 22 of 1964, was indeed made by the legislative body of Tanganyika, the Parliament of Tanganyika, which at the time was constituted by the National Assembly and the President. The Act thus carries the assent of the then President of the Republic of Tanganyika J. K. Nyerere dated 25 April 1964, brought into effect on 26 April 1964, and at the foot it carries the certificate of the Speaker of the National Assembly which certifies that the Act was passed in accordance with Section 35 of the Constitution. The question is: what was the legislative body of the People's Republic of Zanzibar on 25 April 1964? The Articles seem to say it was 'the Revolutionary Council in conjunction with the Cabinet of Ministers'. This was clearly wrong. The legislative body of Zanzibar vested with legislative capacity was 'the President of the Republic acting by and with the advice and consent of the Revolutionary Council'. This body was established by Legislative Powers Law, 1964 made on 31 January 1964 and signed by all the 30 members of the Revolutionary Council.

⁵⁶ Ladhu (1999: pp. 8–9) discusses this point although he uses it as evidence to show that the so-called Law was never drafted in Zanzibar. I am indebted to Jussa for making a copy of his dissertation available to me.

(see Appendix 1) The Law was made, as it says, 'In the exercise of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary Council in conjunction with the Cabinet of Ministers.' The Supreme Authority did not require any further authority from any other body since it had come to power through force of arms. Force was its authority. Once the 'Supreme Authority' had effectively established itself, it performed its first legislative/legal act, the enacting of the Legislative Power Law, 1964. Henceforth all other laws, called Decrees, would derive their authority from this Law. Once the Supreme Authority vested legislative capacity in the President acting with the consent of the Revolutionary Council, the Supreme Authority ceased to exist. Hence, the formula used in the passing of the Presidential Decrees is that they were made 'In the exercise of the powers conferred by the Legislative Powers Law, 1964,' by 'the President of the Republic by and with the advice and consent of the Revolutionary Council'.

The inescapable conclusion, therefore, is that the Union of Tanganyika and Zanzibar Law, 1964, which *purports* to be the law ratifying the Articles, was never made by the body invested with legislative capacity in and for Zanzibar, and that the body, the so-called Supreme Authority, which purported to make the Law did not have the legislative capacity to make it since the Supreme Authority was superseded once it made the Legislative Powers Law. Even if for the sake of argument we were to assume that the Supreme Authority could exercise certain overriding legislative powers, the Law thus made should have been signed by all the members of the Revolutionary Council as was done in the case of the Legislative Powers Law, 1964. It was not. As we now know, it would have been practically impossible to get the signatures of all the 30 members of the Revolutionary Council. On the other hand, if the Law were made by the Legislature of Zanzibar, besides being called a Decree, should have carried the assenting signature of Karume as the President of Zanzibar and the signature of Salim Said Rashid as the Secretary of the Revolutionary Council. This too would have been practically impossible. The drafters thus fell

between two stools (Supreme Authority/ Zanzibar Legislature) and ended up not fulfilling the requirements of either.

In reality, all the evidence points to the fact that the purported Zanzibar Law ratifying the Articles of Union was made and drafted by the legal officers of Tanganyika in Tanganyika.⁵⁷ The legal officers very well knew all the legal niceties and requirements of the then 'Constitutional laws of Zanzibar' because these are referred to in Subsection 2 of Section 2 of the Law. The fact that these requirements were not fulfilled was because of the political reality of the time the most fundamental of which was that the Revolutionary Council as a whole did not approve the Union. There is no doubt that the Union was 'steamrolled'. Hence, the expatriate legal officers of the Tanganyika Government (who happened in this case also to be the friends of Nyerere) simply adopted a legal subterfuge of publishing the Union of Tanganyika and Zanzibar Law, 1964, which *they* had made, in the official gazette of the United Republic as a **Notice** under the signature of Fifoot. The notification that such a law had been made by the 'Revolutionary Council of Zanzibar in conjunction with the Cabinet of Ministers thereof' was simply untrue. Thus, the relevant Zanzibari authorities did not ratify, in law and in fact, the Articles of Union.⁵⁸ Whether the non-ratification affects the legal validity and political legitimacy of the Union some forty years later is a different matter

⁵⁷ Even in terms of time it could not have been drafted in Zanzibar since there was only one day, Sunday (26th), between the meeting of the Revolutionary Council on Saturday and the exchange of the instruments of ratification on Monday (27th).

⁵⁸ Haroub Othman's assertion based on personal communication of two members of the Revolutionary Council that there was ratification is simply incorrect. At the highest, his evidence shows that there was some discussion of the Articles. His conclusion that 'Once the Union agreement had been ratified by the legislative bodies in Tanganyika and Zanzibar, there was no further requirement in law to make them enforceable' again does not make any legal sense (Othman 1993: p. 52). Ratification included enacting a law and such law was never made. This author's previous argument that non-publication of the Law in the Zanzibar Gazette is not conclusive evidence that the Law was not enacted cannot stand in the light of the evidence and argument advanced here (see Shivji 1990: pp. 4-5)

and can best be discussed after we have examined the political and legal evolution of the Union in subsequent chapters. For the time being, we briefly examine the contents of the Articles and the ratifying laws.

THE INTERIM FRAMEWORK OF THE UNION

The legal and structural framework of the Union, albeit interim, derived its authority from the Articles of Union and the Acts of Union. The two ratifying laws together are called the Acts of Union. The Articles of Union are a short piece with eight clauses. The important features of the Articles are:

- 1) Tanganyika and Zanzibar were 'united in one Sovereign Republic'.
- 2) The Articles made provision for two Legislature and Executives, one for Zanzibar constituted in accordance with the laws of Zanzibar, and another for the United Republic.
- 3) Eleven specified matters were reserved for the Parliament and Executive of the United Republic: These were:
 - a) The Constitution and the Government of the United Republic;
 - b) External Affairs;
 - c) Defence;
 - d) Police;
 - e) Emergency Powers;
 - f) Citizenship;
 - g) Immigration;
 - h) External trade and borrowing;
 - i) The Public Service of the United Republic;
 - j) Income tax, corporation tax, customs and excise;
 - k) Harbours, civil aviation, posts and telegraphs.
- 2) The Legislature and the Executive of the United Republic thus had authority in the specified eleven matters throughout the

United Republic and authority for the rest of matters in and for Tanganyika while the Zanzibar Legislature and the Executive had authority for all the matters in and for Zanzibar except the 11 specified matters.

- 3) The Articles provided for two vice-presidents, one of whom 'being a person normally resident in Zanzibar shall be the head of the executive in and for Zanzibar and shall be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar'.
- 4) The Articles also provided for representation of Zanzibar in the Parliament of the United Republic but otherwise left it open as to the mode of this representation.
- 5) The Articles stipulated that the first president shall be Julius Nyerere and the first vice-president to be appointed from Zanzibar shall be Abeid Karume.
- 6) Clause (vii) of the Articles stipulated that the President of the United Republic in agreement with the Vice-President from Zanzibar will (i) appoint a Commission to make proposals for a Constitution of the United Republic and (ii) within one year of the commencement of the Union he will summon a Constituent Assembly 'composed of Representatives from Tanganyika and from Zanzibar' to consider the proposals of the Commission and adopt a 'Constitution for the United Republic'.
- 7) During the 'interim period', that is the period between the Union day (26 April 1964) and the adoption of the Constitution by a Constituent Assembly, the Articles gave powers to the President to (i) modify the existing Constitution of the Republic of Tanganyika to provide for the two legislature and two executives, and (ii) to extend the laws of Tanganyika on the specified matters to Zanzibar and revoke the corresponding law of Zanzibar.

The Articles of Union became part of the domestic law of the two constituent units through their ratifying laws, that is, the Acts of Union. (No doubt, in the light of the doubts already raised, in the case of Zanzibar, we can only say a **purported** law.) The legal status

of the Acts of Union is that of a constitution because they *constituted* the Union and gave power to the President to amend and modify the pre-existing Constitution of Tanganyika to accommodate the union and extend the laws of Tanganyika to Zanzibar on Union matters.⁵⁹ The President made the Interim Constitution Decree on 26 April 1964 which amended the existing Constitution of the Republic of Tanganyika to accommodate the Union. The important provisions of the Articles and Acts of Union were integrated in the constitution and the title of the amended constitution was the 'Interim Constitution of the United Republic of Tanganyika and Zanzibar, 1964'.⁶⁰ Interestingly, Section 33A of the amended constitution gave powers to the president, with the agreement of the President of Zanzibar, to appoint persons normally resident in Zanzibar to the National Assembly. The president could also revoke the appointments. Thus, appointed members from Zanzibar sat in an elected body.

The President also made a number of Transitional Provisions Decrees essentially extending the appointments of persons in public service to Zanzibar and making other changes in the nomenclature of institutions and offices.⁶¹ The President extended certain

⁵⁹ The position that the Acts of Union are a constitution was first put forward by this author in his Professorial Inaugural Lecture (Shivji 1990). Since then this position has been accepted in extra-judicial statements by the former two Chief Justices of Tanzania, Francis Nyalali and Barnabas Samatta. (see Nyalali 1990 & Samatta 2000.) The Lecture has also been judicially noticed (and partially approved) by the Zanzibar High Court in the case of *S.M.Z. v. Machano Khamis Ali and 17 Others*, High Court of Zanzibar, Session Case No. 7 of 1999, reproduced in Peter & Othman 2006: 214-232 and *Mtumwa Said Haji & 49 Others v. The Attorney General*, High Court of Tanzania at Dar es Salaam, Civil Case No. 2 of 1995 (unreported).

⁶⁰ Interim Constitutional Decree, 1964, GN No. 246 of 1/5/64; Interim Constitution (No. 2) Decree, 1964, GN No. 266 of 15/5/64; Interim Constitution (No. 3) Decree, 1964, GN No. 360 of 19/6/64 and the Interim Constitution (No. 4) Decree, 1964, GN No. 668 of 20/11/64.

⁶¹ Transitional Provisions Decree, 1964, GN No. 245 of 1/5/64 and the Transitional Provisions (No. 2) Decree, 1964, GN No. 267 of 15/05/64.

laws on Union matters to Zanzibar and revoked the corresponding Zanzibar laws. The East African Common Service Organisation, which had established a number of East African-wide common services – railways, harbours, posts and telegraph, airways – was extended to Zanzibar. By a decree signed in August 1964 laws dealing with military forces were extended to Zanzibar. Members of the former People's Liberation Army of the former People's Republic of Zanzibar became members of the Military Forces of the United Republic and 'shall serve therein in such ranks and appointments as the Commander-in-Chief may direct'.⁶² Another decree signed in November 1964, extended the citizenship laws to Zanzibar and made Zanzibaris citizens of the United Republic of Tanganyika and Zanzibar.⁶³

SUMMING UP: THE UNION'S SHAKY FOUNDATIONS

In sum, an *interim* constitutional and legal framework for the Union was established by amending the existing Constitution of Tanganyika and extending the relevant laws of Tanganyika to Zanzibar. The power to do so was exercised by the President, that is to say, the head of the Union executive, who was also, by law, the head of the Tanganyika executive. In effect, it could be said that the first constitution of the Union, albeit interim, was promulgated by one man, the President, and *by one side of the Union, Tanganyika*. Even Karume was not consulted. Even if he had been consulted, it would have made little difference; firstly, because it is doubtful if, without competent legal advice, Karume would have fully appreciated the implications of the legal changes. As we have seen, the whole process of the formation of the Union and the making of laws had been done in great secrecy, more so in the case of Zanzibar than Tanganyika. Whereas, Nyerere had the advice of competent expatriate legal officers whom he fully trusted, Karume had none. Nor did he seek any independent legal advice because Karume could

⁶² Extension and Amendment of Laws (No. 4) Decree, 1964, GN No. 581 of 2/10/64.

⁶³ Extension and Amendment of Laws (No. 5) Decree, 1964, GN No. 652 of 13/11/64.

not trust any one since he very well knew that the majority of his own colleagues in the Revolutionary Council would have opposed the Union. But, secondly, Karume did not even care for legalities. His main motive behind the Union was political survival. And as we shall see in the next chapter, Union became for him a means of getting rid of real and perceived threats to his power. Thus at the time and later, there was no legal challenge to the exercise of the President's unilateral legislative powers. Just as the Union had been established without the involvement of the peoples of Tanganyika and Zanzibar, so was the legal framework promulgated without the involvement of any representative institutions of the two peoples, driven essentially by political expediency and pragmatic considerations. At least, in the case of Tanganyika, the people's representatives through their parliament were involved in ratifying the Articles. It was not so in the case of Zanzibar. The then legislative body of Zanzibar, as we have seen, never enacted any ratifying law. Even a rather perfunctory meeting of some members of the Revolutionary Council, most probably on 25 April 1964, just before travelling to Dar es Salaam, was raucous and inconclusive. What is more, the fact that the Constitution of Tanganyika was amended to accommodate the Union and the laws of Tanganyika on Union matters were extended to Zanzibar created the perception that the legal framework of the Union was really the pre-existing legal framework of Tanganyika, by another name.

In later debates and politics of the Union, unilateralism on the part of Nyerere as the head of the Union executive, who was also the head of the Tanganyika executive, in the establishment of the

⁶⁴ Some people have sought to justify the non-involvement of the people on rather strange grounds. Haroub Othman, for instance, in his 1993 article (in Peter and Othman 2006: p. 53), asserted that the people could not have been consulted through a referendum because 'under the Commonwealth legal tradition, in which the two countries were brought up, the notion of a referendum was unknown'. He has repeated that position since (see, for example, Othman 2006). This is simply not correct. Ghana, a leading African Commonwealth country, conducted a referendum in the process of adopting its republican constitution in 1960. (See Bennion 1962: Chapter 2.) Australia, another Commonwealth country, has

legal framework of the Union would become a hugely contentious issue.⁶⁴ There is no doubt that the process of the formation of the Union was fraught with legal manipulation and political expediency. The Union started on rather shaky legal and political foundations. Had the constitutional and legal framework been only temporary, for the interim one-year period, as it was originally envisaged to be, perhaps, the shaky foundations of the origins of the Union would have been overcome and forgotten. But the interim period was extended and became a long, tumultuous thirteen years before a permanent constitutional framework of the Union was put in place. For reasons that we will explore in subsequent chapters, the ghosts of the origins of the Union still haunt what has often been 'celebrated' as the first still surviving experiment in African unity.

had the practice of consulting people through referenda since 1867. (See Section 53(1) of the Constitution Act 1867 (Queensland)). Although in the case of Australia referendum is provided in the Constitution there is nothing to prevent a competent legislature from passing an enabling law to provide for a referendum. But what is important in the context of the Union is that while the people of Tanganyika were consulted through their parliament, Zanzibaris were not. Othman's rhetoric that after all the ASP did not conduct a referendum to ask the people to make the revolution is non-sequitur because in the case of the union, Karume did not even fully consult his Revolutionary Council, a body established by the Revolution and considered by the Revolution to be a legitimate/legal body.

Chapter Four

NYERERE'S INTERIM CONSTITUTION AND KARUME'S EXTRA-CONSTITUTIONALITY

THE AFTERMATH OF THE UNION

Western bloc countries, in particular the USA and UK, were exhilarated at the formation of the Union but kept a low profile preferring to emphasise that the Union was essentially an African initiative.¹ Nyerere and Kambona also put out a request that 'any public statements on Tangovernment-Zanzibar Union be avoided'.² The immediate concern of the Americans was possible resistance of the Babu faction spurred on by 'communist states'. To forestall this, USA / UK were prepared to intervene, even militarily, if necessary. The Air Commander of the Royal Air Force (East Africa), I. S. Stockwell, and the General Officer Commanding British Land Forces in Kenya, I. H. Freeland, issued instructions for a possible intervention in Zanzibar.³ They expected resistance from 'security forces' under Ali Mahfoudh's command. Among other things, their task would be to secure strategic points, disarm the opposition, protect British lives, and 'Protect the life of KARUME and of loyal members of his Government'.⁴ In the event, the intervention was not necessary.

¹ Wilson 1989: pp. 76 et. seq.

² US ambassador Leonhart's cable to US Secretary of State, 23 April 1964, quoted in Wilson 1989: p. 77.

³ PRO, Commanders Committee East Africa: Joint Operation Instruction No. 2/64, 'Intervention in Zanzibar', DO 185/51: Internal Security & Military Intervention', (064).

⁴ Ibid.: p. 3.

Babu, more or less, embraced the Union. In any case, he was quickly 'removed' to the mainland, while his disgruntled followers were left leaderless and without a party. They too, as we shall see, were very soon neutralised by skilful manoeuvres on the part of Nyerere and Karume. The attention of the Western bloc now turned to two other thorny issues.

The West Germans were particularly concerned about the fate of German Democratic Republic (GDR) who had been given full diplomatic recognition by Zanzibar while Tanganyika recognised West Germany. This was contrary to their 'Hallstein' doctrine. They brought enormous pressure to bear on Nyerere. The other issue, which preoccupied the Americans and the British, was the continued aid – both military and economic – from the East Germans and the Chinese to the revolutionary government. Karume cared little for the concerns of the West, or even Nyerere, so long as the aid assisted him to consolidate his power. Initially, the West thought they would win over Karume by offers of alternative direct aid, a strategy also supported by Nyerere in spite of the fact that aid was a Union matter.⁵ Karume, however, was extremely suspicious of the West. He would not trade off his 'Eastern friends' for Western aid. The West therefore continued to pressurise Nyerere to move faster on 'integrating' Zanzibar but found him indecisive and too cautious lest he push Karume to break the Union.

The German question came to a head when after some eight months of delicate diplomatic ping-pong, Nyerere arrived at a formula under which Tanzania would not recognise East Germany but GDR would have a Consulate General. Initially, East Germans were opposed but eventually accepted it while the West Germans continued to press for a 'compromise', which was unacceptable to Nyerere. Eventually, West Germans withdrew their military aid to put further pressure on Tanzania. Immediately, Nyerere retaliated by asking the West Germans to withdraw *all* their aid and announcing that

⁵ PRO, Cable from Foreign Office to Washington, 14 May 1964, PRO, From Dar es Salaam to Commonwealth relations Office, No. 691, 14 May 1964, DO 185/65.

Tanzania would resist all 'economic blackmail' and that her decisions were not for sale.⁶

Nyerere typically tried to manoeuvre his way between the East and the West while trying his utmost to maintain the Union. He used the pages of his party paper, *The Nationalist*, to lash out at foreign powers interfering in the Union. In the course of diplomatic pressures on the German question, *The Nationalist* carried a vitriolic attack on the East Germans in its issue of 24 June 1964. While affirming that the paper's criticism of the Western press carried in its pages did not mean that Tanzania was anti-West, the editorial declared that Tanzania would not accept interference from the East either.

We have evidence that the East Germans are attempting to destroy our Union in the interests of their own desires. Through intrigue and sharp practice they are trying to secure, through the Union, a diplomatic status in Africa which has up to now been denied them. ...

It is now necessary to state clearly, once again, that the Union was not established in the interests of any outside power or bloc. The Afro-Shirazi Party revolution in Zanzibar was not a revolution kindly undertaken by Africa for the sake of East Germany. It was undertaken for Africa, and the interests of Africa. ...

And was the economic assistance given by East Germany to Zanzibar after Revolution an attempt to buy the foreign policy of that country, or of the Union? We have firmly rejected this attitude in regard to the much greater assistance which has been received from the West. We reject it in the case of East too. Aid was given to Zanzibar by East Germany when it was badly needed: aid has been given to Tanganyika by Britain when it was badly needed. In neither case does this affect our policy of non-alignment in Cold War politics. In neither case does it affect the determination of the Union to pursue the interests of this Union, and those only.⁷

⁶ See Nyerere's 'Background Paper on the East/West German Problem in Tanzania' circulated to the African Heads of State, dated 19 March 1965, enclosed with Cable from Foreign Office to Bonn, 16 April 1965, PRO, PREM 13/610.

⁷ *The Nationalist*, 14 June 1964, editorial.

A Press Communiqué issued by Zanzibar the very next day banned *The Nationalist* and deported its reporter from the Islands, a clear slap in the face of Nyerere and the Union. No doubt Nyerere must have been furious. Karume retracted the very next day by issuing a statement under his personal signature that his order had been misunderstood; that he had only asked for explanation from the reporter but had not banned *The Nationalist*. Officers in the British embassy, who had all along been pressurising Nyerere to be firm with Zanzibar, considered this 'an extremely significant incident'. They were particularly delighted at the snubbing of the East Germans. The High Commissioner's despatch to London reporting on the incident concluded:

This episode must constitute a new low in Karume's judgment and appreciation of the implications of the advice submitted to him by the East Germans and the influential communists in the Government, and of the decisions that he is called upon to make. The East Germans have suffered a public defeat, and the manner in which Karume has had to eat humble pie has made him and the Government Information Department look very foolish. The communist Press Officer Qulatain has, we believe, been dismissed, presumably in connection with the incident.⁸

But Her Majesty's high commissioner was mistaken. It mattered little to Karume if he had 'to eat humble pie' so long as it was part of his tactics to consolidate his personal power. The Union too was for him a means to that end. As he used to say: The Union is a coat, I put it on when it is cold; otherwise I take it off.⁹

Karume 'forgot' all about the Union as soon as it was formed. He set to consolidate his power in Zanzibar and in the process used the Union umbrella when it suited him. Zanzibar continued to receive economic and military aid from the Chinese, East Germans and Russians. Nyerere transferred Bhoke Munanka, a political

⁸ Despatch from the British High Commission Zanzibar to East Africa Political Department, London 1 July 1964, PRO, DO 213/98: Union with Tanganyika – Part B.

⁹ Interview Shabani Salim, op. cit.

trouble-shooter and a trusted loyalist, from the second vice-president to the first vice-president's office in Zanzibar. This was to no avail. Very soon he had to return to Dar es Salaam. In June 1964, Salim Rashid, dubbed by the British high commissioner in Zanzibar, as a 'through-[sic!] going Marxist' was appointed as junior minister of finance and moved to Dar es Salaam.¹⁰ In July, some 18 former Umma members who formed the nucleus of Zanzibar's People's Liberation Army (PLA), were sent to Moscow ostensibly for training. When they returned after a year, they were dispersed to far-away Tabora and Nachingwea army camps on the mainland and stayed there until Karume was assassinated in 1972. Yusuf Himid, one of the members of the 'Committee of 14' was the commander while Seif Bakari and Abdalla Natepe, other two members of the committee and Karume's henchmen, were transferred to the army after the Umma people left for Moscow.¹¹ Karume very well knew where his power lay and he resisted the integration of the army. It was a year before the PLA changed its name to Tanzania People's Defence Forces (TPDF) but otherwise the two armies functioned as separate units. By 1966, the strength of the Zanzibar army was 1800 paid for by the Union. Ali Mahfoudh, the Zanzibar deputy chief of staff and former Umma, was moved to the mainland only in 1966 and then based in Mtwara to assist in the training of Mozambican freedom fighters.¹² But Mahfoudh continued to keep contact with Zanzibar. In effect, he had fallen out with Babu. Mahfoudh remained loyal to Karume until he too was arrested and accused of participating in the assassination of Karume in 1972.¹³ This came as a shock to him, which he was never

¹⁰ Letter from the British High Commission, Zanzibar to British High Commission, Tanganyika, 19 June 1964, PRO DO 185/65.

¹¹ Interview Shabani Salim op. cit.

¹² From the Office of the High Commissioner, Canada, Dar es Salaam to the Undersecretary of State for External Affairs, Ottawa, 16 December 1966, 'The Balance Sheet of the Union', PRO FCO 31/154.

¹³ Mahfoudh was arrested on the Mainland. He was called by the army headquarters to Dar es Salaam ostensibly for some consultations. When he arrived, Colonel Kashmiri of the TPDF was there with orders to arrest him. Interview Ahmad Rajab op. cit.

able to overcome.¹⁴ After his release in 1978, he went to live in Mozambique.

Karume remained ever vigilant against the Union diminishing his powers in Zanzibar. He ran the Islands as an independent state internally even on matters which were supposed to be Union matters. Hardly three weeks into the Union, an interesting incident indicative of Karume's attitude to the Union, took place. On 19 May, Kassim Hanga, by then the Union minister for industries attended the meeting of the Central Legislative Assembly of East African Common Services Organisation (EACSO) in Nairobi. He was duly sworn in and took his seat on the front bench to listen to Kenyatta's message from the Authority. In the course of his speech, Kenyatta expressed his 'joy' that since the Union it was no longer necessary to invite Zanzibar as an observer. Hanga was disturbed and after spending a sleepless night phoned Karume who instructed him to return immediately because Zanzibar did not want to have anything to do with EACSO.¹⁵ In effect, various moves by Karume to consolidate his power in Zanzibar also meant assertion of Zanzibar's autonomy in relation to the Union. In the next section we discuss the consolidation of Karume's personal power.

THE RISE OF AN AUTOCRAT

Karume's eight-year rule was marked by populist demagoguery, erratic economic policies, autocratic rule internally and insular narrow nationalism externally in relation to the Union. To Nyerere's embarrassment, he declared that there would not be elections on the Islands for 50 years.¹⁶ The only elections that were allowed in Zanzibar were for the president of the Union and that too happened after a lot of cajoling from Nyerere in which, according to

¹⁴ Conversations with former Umma members; see also Nabwa 2003 *passim*

¹⁵ 'Letter from Dar es Salaam 21/05/1964' PRO DO 213/98: Union with Tanganyika Part B. This information was given to the British embassy officials by Dunstan Omari, who got it from Nsekela, Principal Secretary in the Union Government, who had accompanied Hanga to Nairobi.

¹⁶ In an interview with the *Tanzania Standard* reporter David Martin.

one informant, Nyerere used 'every weapon from rage to tears'.¹⁷ Karume built an absolutist state under his personal authority by merging the party with the state, bringing the army under his control, building a terrifying security apparatus with the help of East Germans, destroying potential sources of opposition, controlling the movement of people in and out of Zanzibar, and virtually integrating the judiciary into the executive. Karume exercised power without any legal limits. He had little respect for law or legality and did not respect the distribution of power between the Union and Zanzibar governments. Except for foreign affairs, Zanzibar continued to exercise jurisdiction over many other Union matters including immigration, external trade and borrowing, public service, harbours, posts and telegraphs. In the following sections we discuss in some detail the developments leading to the buttressing of Karume's absolute power.

The party-state

On 8 March, in a public rally, Karume announced the dissolution of Umma Party in the presence of Babu.¹⁸ In any case, since the revolution, Umma had not functioned as a party but its public dissolution marked the beginning of the Afro-Shirazi Party (ASP) party hegemony. The thrust of the decrees passed immediately after the revolution was to establish eventually some kind of a liberal democratic state based on rule of law. No doubt some of the members of the Revolutionary Council, in particular former Umma people like Salim Rashid, must have influenced in the passing of these decrees.

¹⁷ This is in the summary of a British embassy official's conversation with Irene Brown, Roland Brown's wife. Despatch from R. H. Hobden of the British High Commission, Dar es Salaam, to M. Scott of Commonwealth Office, Dar es Salaam, dated 23 July 1968. PRO FCO 31/154.

¹⁸ Lofchie (1965: p. 278–279) gives a somewhat starry-eyed account of what he calls the merger of ASP-Umma as if it were two radical groups coming together. It was nothing of the kind. Umma more or less folded up. Some members of Umma were later to categorize it as one of Umma's serious mistakes. (Interview with Ahmed Rajab op. cit.)

The legislative power conferred on the Revolutionary Council was considered 'an interim measure'. Even then the Constitutional Government and the Rule of Law Decree (No. 5 of 1964) proclaimed that 'the principal judicial power is exercised on behalf of the Revolutionary Council by the Courts, which shall be free to decide issues before them, solely in accordance with law and public policy' (Section 2), in other words an independent judiciary. The decree further envisaged that not later than 11 January 1965, a Constituent Assembly of the Zanzibar People would be convened to promulgate the Constitution of Zanzibar.

Soon after the Union, as Karume felt stronger, he systematically dismantled the expectations embodied in those decrees. In February 1965, the Constitutional Law decree was amended to put off the time of the convening of the Constituent Assembly indefinitely to be convened on 'a day to be appointed by the President' (Appendix 2(ii)).¹⁹ By a decree passed on 11 May 1965, the ASP was declared to be 'the sole political party and supreme authority in Zanzibar'. This was two months before Tanzania became a *de jure* one-party state. The ASP Decree established seven departments – army, police, security, youths, workers, women and peasants – led by heads of departments appointed by the President after consultation with the Revolutionary Council. The Decree also banned all trade unions and societies including the ASP Youth League and the ASP Women's Organisation. The laws on trade unions and societies were scrapped off the statute book; instead the President was given discretionary powers to approve the establishment of any non-political society. A month later, another decree was passed to provide for mandatory subscriptions to be paid to the party by its members, the amount to be fixed by the President. Employers, including government departments, were required to deduct the subscription from their employees and submit it to the treasurer of the party.²⁰ The party's finances were secured by law. The party's constitution and rules were to be

¹⁹ Constitutional Government and the Rule of Law Decree (No. 4 of 1965).

²⁰ The Afro-Shirazi Party (Amendment) Decree (No. 14 of 1965). The section requiring the employers to deduct subscriptions from the income of their employees

published in the Government Gazette giving the party's statutes virtually the same status as the law of the land. By 1971, the titles of the president, ministers and deputy ministers were changed respectively to the Chairman of the Revolutionary Council, chairmen and assistant chairmen of departments. All decrees were henceforth to be called Revolutionary Council decrees instead of presidential decrees. In effect, the ASP was the state and the state was ASP, both under the 'supreme leader' Karume. Since the party congress never met during Karume's time, the supreme organ was the Revolutionary Council and the supreme leader was Karume.

Members of the Revolutionary Council accumulated all kinds of petty and grand privileges.²¹ Karume's two sons studied in Malawi and on their return became ministers in their father's government. When the first son got married, the lavish marriage festivities lasted for 16 days.²² Karume himself and some other members of the council took second and third wives, young Arab or of mixed parentage. The forced marriage of some of the Revolutionary Council members to four Persian girls, the youngest of whom was 14 and the oldest 18, in 1970 caught international headlines causing Nyerere great distress and embarrassment.²³ Nyerere could do little beyond castigating Karume as the 'new sultan' in private and semi-private conversations with his expatriate friends.²⁴

By the time of his death in 1972, Karume had disembodied both the party and the state of any semblance of democratic representation. The pinnacle of power was the Revolutionary Council. As a shrewd survivor, Karume got rid of perceived and potential opponents within the Council and packed it with semi-literate people whose loyalty he won over by giving them personal privileges.

does not specify that the deduction was to be made only from the employees who were members of the party. In practice, all employees ended up paying subscription to the party whether or not they were members.

²¹ Martin 1978: pp. 68 et seq.

²² Hobden to Scott op. cit.

²³ Martin 1978: pp. 70–71.

²⁴ Hobden to Scott op. cit. But see Nyerere's own account below (p. 218) where he narrates his intervention and Karume's rebuff.

Eventually, not only the executive and the legislative power came to be concentrated in the Revolutionary Council, but also judicial power.²⁵ The judiciary was systematically dismantled.

The dismantling of the judiciary

Immediately after the Revolution, the Revolutionary Council passed the High Court Decree which retained the High Court as a superior court of record with unlimited jurisdiction in the tradition of common law systems inherited from Britain.²⁶ The Chief Justice and judges of the High Court were appointed by the President with the advice of the Revolutionary Council. The first two chief justices were British expatriates and later the mainland loaned judges to head the judiciary. In 1966, the judicial system with a hierarchy of courts from primary courts, through district courts and Kadhis courts to the High Court, was established.²⁷ The first formal attack on the judicial system came in the form of the Special Court Decree in 1966, only a month after the Court system had been established. The Special Court consisted of 14 persons appointed by the President. It was given exclusive criminal jurisdiction in specified matters which included political offences, offences committed by people under preventive detention and offences involving theft of or damage to public property. The Special Court was not bound by any procedures; it would set its own procedures. Its proceedings were not open to the public and no advocates or public prosecutors were allowed to appear before the Court. The Court could impose any punishment ranging from fine through corporal punishment to death. No appeals were allowed except to the president whose decision was final. Truly, the Special Court could not be described as anything else except a 'kangaroo court'. Nyerere was pretty upset and put pressure on Karume.²⁸ The operation of the law was postponed to a day to be appointed by the President.²⁹

²⁵ See Mlimuka 1986: *passim* for details.

²⁶ The High Court Decree (No. 2 of 1964).

²⁷ The Courts Decree, 1966 (No. 3 of 1966).

²⁸ Hobden to Scott op. cit.

²⁹ The Special Court (Amendment) Decree (No. 19 of 1966).

Although the operation of the Special Court was postponed, in practice members of the Revolutionary Council were a law unto themselves. Among the most notorious were Saidi Washoto, the regional commissioner for Zanzibar Urban, Rashidi Abdullah and Ahmed Hassan Diria, both of who had at one time or another been regional and area commissioners in Pemba. Washoto conducted courts in his office, would find accused guilty and hand down sentences of corporal punishment. He would write two sentence letters to the head of the prison to administer strokes.³⁰ Detention without trial was commonly resorted to by area and regional commissioners and they had to be reminded that the power to detain belonged to the president only.³¹ But the president himself ordered detentions by word of mouth without signing any orders.³² He did not even follow the provisions of the Preventive Detention Decree,³³ draconian as it was.

In 1969, under the People's Court Decree, the judicial system was fundamentally changed. While the High Court was retained in name, all lower courts were abolished. Instead People's Courts were established for different areas.³⁴ The courts were manned by a chairman and two other persons appointed by the president and they served 'during the pleasure of the president'. Except for murder, attempted murder and manslaughter the courts had full and exclusive jurisdiction in all other criminal and civil matters. The members of the courts were not required to have any legal qualification. No advocates were allowed to appear in these courts and the courts decided their own procedure. The President in the exercise of his prerogative of mercy had virtually unlimited powers to change the sentences of courts. Soon after, there followed a decree

³⁰ ZA, AK16/41C: Prisons General – 1951 January to 1973 May, ZA, AK3/25: 1963 December to 1970 January.

³¹ About Jumbe's circular to Members of the Revolutionary Council, 9 February 1967, ZA, AK13.

³² Mlimuka 1986: pp. 216–217.

³³ Presidential Decree (No. 3 of 1964).

³⁴ For a bird's eye-view of the evolution of the judicial system see Ramadhani 1982–1983, reproduced in Peter & Sikand eds. 2006: pp. 90–99.

establishing the supreme council of the Revolutionary Council with overriding powers of appeal from the High Court. The President could refer any matter of public importance to it. No decision of the supreme council was final until endorsed by the President. In effect, judicial power was fully merged into the Revolutionary Council, which in practice meant the President. Any semblance of separation of powers or independence of the judiciary thus vanished.

The other prong in Karume's rise as an autocrat was the elimination of all actual and potential opponents, including imposing 'collective' measures on communities from which opponents were perceived to originate.

Eliminating opponents

Karume had an intense hatred for and suspicion of the educated. In a fashion typical of demagogues and despots he feigned a belief that a true revolutionary is an uneducated person only. He boasted:

...among the Revolutionaries there is not a single one with a Standard 12 education. I personally offer £5,000 to any person who can come forward claiming to have taken part in the Revolution and having a Standard 12 education at that time ... I was given complete freedom to appoint ministers, which I did. Unfortunately some of them turned out to be bad. As our government does not seek mere show and ostentation, revolutionaries included such humble people as porters, drivers, and ex-corporals, all of them persons who have had only primary education or none at all. We made them members of the Revolutionary Council because of their heroism. Now you see them in uniforms, lieutenants and commanders ... 35

The 'revolutionaries' in uniform included the likes of Lieutenant Colonel Seif Bakari, who led the execution of people without any

³⁵ Quoted in Martin 1978: p. 68.

compunction.³⁶ While in one of his populist measures, Karume made primary education universal and free, he forbade higher education. Zanzibaris would not get permits to travel to mainland to join the university there after completing their high school. Some 35,000 educated and skilled people fled Zanzibar to work elsewhere.³⁷

Within the Revolutionary Council, one after another, Karume eliminated the educated. Sometime in 1969, Kassim Hanga and Othman Shariff, were executed.³⁸ After a stint of a number of ministerial posts in the Union government, Hanga fell out of Nyerere's grace for his apparent friendship with Kambona, who fled the country following the Arusha Declaration. Othman Shariff, Karume's long-time rival in the ASP, was sent as an ambassador to Washington immediately after the Union. He was almost immediately recalled because of a diplomatic row between Tanzania and the USA. In April 1965, Zanzibar sentenced him to death on a charge of treason which was commuted to 10-year imprisonment by Nyerere. Shariff lived on the mainland but was not given any government post. Sometime in 1969, Shariff and Hanga were alleged to have got involved in some conspiracy to overthrow the government. At Karume's behest, both Hanga and Shariff were arrested on the mainland and, after some reluctance on the part of Nyerere, were sent to Zanzibar where they were executed. There are gruesome stories of how Hanga was killed, some say by drowning, others say by beheading. Whatever the truth, there can be little doubt of Karume's tactic of physically eliminating his opponents while terrorising potential ones. In the same vein, Abdul Aziz Twala, Karume's finance minister, held in high respect by Zanzibaris for putting up resistance to unionising Zanzibar's

³⁶ Just before his assassination, Karume had imprisoned some 19 people (*'wachunga ng'ombe'*) whom he accused of treason. Soon after his death, Seif Bakari's men took them out of prison and summarily executed them. Interview Shabani Salim op. cit.

³⁷ Martin 1978: p. 71.

³⁸ The account on Hanga and Shariff is based on Clayton 1981: pp. 132–133 but widely confirmed by other oral sources and the author's own memory.

banking (see below p.130), was executed on some trumped up charges.³⁹ So was Saleh Saadalla also summarily killed by Karume's henchmen. Among the educated, only Aboud Jumbe survived on the Revolutionary Council. Jumbe did not pause a threat to Karume, he closed his eyes and made sure not to get on Karume's wrong side. As he told the author in an interview, 'I don't have a habit of asking questions ...'. Another educated person who made it through Karume period and the successor regimes was Wolfgang Dourado, the Attorney General who drafted Karume's decrees and made them retrospective to give his rule a semblance of legality. But the legality was threadbare. When accused of opportunism by some young university academics at a seminar in 1983, where Dourado militantly questioned the Union, he took off his shirt to show marks of strokes administered on Karume's orders. But that was not because of any political opposition; Karume was angered because Dourado had taken some personal request from Karume's son which Karume did not like.⁴⁰

There were other killings and 'disappearances' which remain unaccounted for to this day. In 1985, during the more open atmosphere in Zanzibar, some members of the House of Representatives demanded that the government investigate the 'disappearances' during Karume's time and compensate their families. The speakers laid the responsibility for extra-judicial killings and 'disappearances' at the door of the committee of fourteen. As Mlimuka reports:

This committee is said to have regarded itself as the core of the Zanzibar Revolution. At first it organised killings of the "enemies" of the revolution but later on it started killing ASP members and leaders especially those who were educated.⁴¹

³⁹ Rumour has it that Twala fell out of favour with Karume because he resisted Karume's tendency to use funds from the state kitty. The lavish use of state funds on the marriage festivities of Karume's first son was the last straw that broke the camel's back (personal communication, Ismail Jussa, 3 June 2006).

⁴⁰ The author was present at this seminar.

⁴¹ Mlimuka 1986: p. 251. See generally this source for the House of Representative debate on this.

Thirteen years after Karume's death, Nyerere made it public that he had cautioned Karume against the excesses of the committee of fourteen (see Chapter Six). Before that he had expressed his distress and anguish only privately to his expatriate friends and Western authors who have recorded Nyerere's dilemma at what was happening in Karume's Zanzibar in sympathetic terms.⁴² Even then Nyerere absolved Karume by simply dismissing him at best as 'simple'⁴³ or 'stupid' or a "'muddling fool'.⁴⁴ Yet, again and again, he gave into Karume so as to hold together the Union. Worse, after his death, Nyerere participated in building up Karume as the great founder of the Union. Whatever his private distresses and strains, there is little doubt that it was political pragmatism that determined Nyerere's attitude to Karume. His public pronouncements denouncing the Committee of 14,⁴⁵ not Karume, long after Karume's death, can hardly atone his 'sin' of tolerating Karume's terror, in the eyes of young Zanzibaris of today. In the pages of *Dira*, a weekly started at the end of 2002 by some young Zanzibaris led by a veteran journalist from the days of the revolution, Ali Nabwa, young writers fiercely exhibited their Zanzibari nationalism and anti-unionism. Responding to an article in a mainland weekly which argued that Nyerere had rescued Zanzibar from its traditional hostility between Zanzibar Nationalist Party (ZNP) ('*Uhizbu*') and ASP ('*Ugozi*') Mohamed Ghassany, one of the prolific and articulate advocates of Zanzibari nationalism wrote:

The extent to which Nyerere had the interests of Zanzibar and Zanzibaris at heart [when he formed the Union and merged the

⁴² See, for instance, Smith 1971: pp. 181–185, Clayton (quoting John Hatch) 1981: pp. 33–34, Martin 1978: p. 72.

⁴³ Smith 1971: p. 175.

⁴⁴ This is distilled from the report of a conversation on Nyerere's thinking between an official of the British Embassy and Irene Brown, an admirer of Nyerere and the spouse of the expatriate Attorney General, Roland Brown, who was centrally involved in advising Nyerere and drafting the legal instruments of the Union. The official opines that 'she [Irene Brown] is as well informed about the President's thinking on this subject as anyone we can talk to'. Holden to Scott, op. cit.

⁴⁵ Incidentally he continued harbouring some of the committee of fourteen in his party.

parties, TANU and ASP] requires a long discussion. But in short, there is little evidence to show that Mwalimu Nyerere was really motivated by the interests of Zanzibaris in bringing about these two things, Union and CCM. Overwhelming indications are that Nyerere, Karume and Jumbe were impelled by self interest or pressures from 'big powers' which they could not resist.⁴⁶ [Translation from the original Kiswahili by this author]

Dira did not last. It was banned after a year or so. Its editor, Ali Nabwa, was declared a non-citizen for the second time around. The first time he became a victim of Karume's whimsical decision declaring his community, the Comorians, non-citizens *en masse*.⁴⁷

Zanzibar-Comorians, known as *Wangazija*, were a small community tracing their ancestry to Comoro. They lived as a close-knit community; established their own community schools and thus were more educated than other African communities were. Like Goans from the Asian community, many of them worked in the government administration. A number of Comorians, including Babu, a part-Comorian, were in the leadership of the Umma party. Sometime in 1968, in answer to a pre-arranged question from Kisasi as to why Comorians were reactionary, Karume declared that 'Comorians were not Africans'. He said that all Comorian officials in the government would have to resign. A couple of Zanzibar ministers in the Union government did resign but Babu claimed that his father had been a Portuguese functionary and therefore did not have French nationality.⁴⁸ Eventually the measure was rescinded but contrary to the Union citizenship law, Karume declared that only a person with one African parent could be a citizen of Zanzibar.

⁴⁶ Mohammed Ghassany, 'It is neither *Ugozi* nor *Uhizbu*; it is *Uzanzibari*', *Dira* 27 June to 3 July, 2003.

⁴⁷ Ali Nabwa describes this in great detail in his draft autobiography. See Nabwa 2003.

⁴⁸ Based on Clayton 1981: pp. 126–127. Ali Nabwa in his unpublished memoirs, 'From the Gallows to the Firing Squad' (2002) describes this incident in great detail.

In his bid to keep the 'counter-revolutionaries' out and 'the potential educated' in, Karume passed severe immigration and emigration decrees.⁴⁹ Control over immigration immediately after the Revolution, particularly to ensure that those who were considered 'enemies' of the revolution and declared prohibited immigrants did not return, was perhaps justifiable but the emigration decree passed in 1969 was very strange. Every citizen, defined as a person born in Zanzibar or Pemba, who wanted to travel out needed an exit visa from the emigration board composed of Karume's appointees. It was an offence to leave the Islands without an exit visa attracting the sentence of imprisonment of not less than five years. Any one assisting a person to leave the Islands without an exit visa was also guilty of the offence. Any country receiving a citizen from Zanzibar without an exit visa 'will be deemed to have committed an unfriendly act against the Government of Zanzibar and will be held solely responsible for the consequences thereof' (Section 5(1)). (Presumably, this applied to Tanzania mainland as well which harboured many such 'Zanzibari citizens'!) This measure, common in Karume's Zanzibar, was actually applied even before the law was passed. Many families, whose children had left the islands or had been 'smuggled' out, suffered a lot of harassment.

The immigration and emigration decrees were contrary to the Union laws. There was a lot of resistance on the part of successive Zanzibar regimes to let go control over immigration to the Union authorities. A fully integrated Union law on immigration was not passed until in the 1990s.⁵⁰

Economic populism

In the immediate aftermath of the revolution, the Revolutionary Council followed some popular policies. Racial clubs, the symbol of discrimination under the *ancien regime*, were taken over; land

⁴⁹ See The Immigration Control (Amendment) Decree (No. 10 of 1964) and the Emigration Control Decree (No. 9 of 1969).

⁵⁰ The Immigration Act (No. 7 of 1995).

was vested in the state⁵¹ and a decree passed enabling confiscation of immovable properties without compensation.⁵² Under the Land (Distribution) Decree (No. 5 of 1965), which was made retrospective to 1 June 1965, the Government distributed three acres of land to peasants. Between 1965 and 1967, when land distribution was formally stopped, some 12,028 people on Unguja Island and 1,920 on Pemba Island had benefited. In Unguja the beneficiaries were former squatters, mainly from the mainland. In Pemba, where the number of people who benefited was six times less than Unguja; most indigenous people did own land, hence the low profile of land reform there.⁵³

Karume instituted some social and welfare measures for the benefit of Africans who had been underprivileged during the Sultan's regime.⁵⁴ Primary school education was made universal; secondary school admissions were done on quota system proportional to the population – 80 per cent African, 5 per cent Arab, 4 per cent Asian and 1 per cent Comorian. But the quality of secondary education deteriorated because of lack of teachers, many of whom emigrated after the revolution.

Although medical services were made free, the health of the population suffered because of Karume's erratic policies such as expelling the WHO staff who were involved in a malaria project on the ground that Africans were naturally immune to malaria! Karume's pet project was the 'home for the old' and putting up building blocks for the poor both in urban as well as rural areas.

Karume did not have any economic plans as such but his nationalism led him to some 'autarkic' policies, some of which were actually quite sensible for an economy like Zanzibar. Karume imposed a ban on the import of rice and sugar to encourage self-sufficiency. With the help of Chinese, state farms for growing rice were developed and there were plans to start sugar plantations and a sugar refinery. During Karume's time, the price of clove showed an upward

⁵¹ The Government Land Decree (No. 13 of 1965).

⁵² The Confiscation of Immovable Property Decree (No. 8 of 1964).

⁵³ Shao 1992: pp. 52–53.

⁵⁴ Based on Clayton 1981: pp. 143–146.

trend jumping from \$550 per ton to over \$1,500 in 1967–1968.⁵⁵ But the growers were paid only 10 per cent of the export price, the rest being accumulated in Zanzibar's account in London-based Moscow Narodny Bank. It was the Pembans who suffered most because the majority of the clove crop came from there.⁵⁶ Smuggling of cloves was rampant. Karume imposed death penalty for smuggling.⁵⁷ Once again, Pembans received a raw deal accentuating the uneven development between the two islands and adding fuel to the fire of estrangement that Pembans laboured under. Martin observes:

Karume retaliated against Pemba by severely restricting the amount of food allowed to be imported. While Pemba's clove plantations were producing the bulk of the country's foreign exchange earnings, the people of the island were deprived of commodities that they had come to regard as essential – rice, sugar and spices. The merchants were prohibited from importing food either from Zanzibar or the mainland, and the resultant shortages were much more acute than any suffered on Zanzibar in the late 1960s and 1970s.⁵⁸

In spite of food shortages and long queues, Karume refused to use foreign reserves to import food. By the time of his assassination, Zanzibar had foreign reserves of some £25 million.⁵⁹ This however was of no benefit to the people of Zanzibar whose starvation was described thus in 1971 by Philip Ochieng, a Kenyan journalist writing for the *Tanzania Standard*.

The islanders ... are heavily engaged in ... building programmes, despite the hungry stomachs and the scenes of starving children and old people unable to stand in the queue... It is really alarming

⁵⁵ Ibid.: p. 136.

⁵⁶ Ninety per cent of foreign exchange earning of Zanzibar in 1975 came from cloves. During that year the acreage of cloves on Pemba was three times that on Zanzibar. See Martin op. cit.: p. 81 and 83 for figures.

⁵⁷ Martin op. cit.: pp. 116 et seq.

⁵⁸ Ibid.: p. 116.

⁵⁹ Ibid.: p. 140fn.

and shocking that nothing at all is available in Zanzibar. Everywhere you travelled ... you would see long queues, and for what? The answer is rations. If you are a little late you are a loser ... The most pitiable situation ... is the long queues that take place as early as 4 a.m. for bread. Small children are seen crying in these queues as they are often bullied and pushed around by the elders rushing for bread.

I have it on authority that wives of high-powered Zanzibari leaders have had to get sugar and bread provisions from Dar es Salaam. Even if the hoi polloi from Zanzibar could afford to do that, they would find it nearly impossible to cross over. They need permits, which only 'leaders' can get easily.⁶⁰

Whereas there were no reports of celebration and jubilation on the part of Zanzibaris on Karume's assassination in April 1972 – Karume's police state ensured that – but there must have been a silent sigh of relief as they watched the official eulogies and state funeral of the 'great revolutionary' from the roadside. Ironically, another person who had all the reason to heave a sigh of relief was his fellow founder of the Union, Julius Nyerere. We turn to the state of the Union on the eve of Karume's assassination.

THE STATE OF THE UNION

The assassination of Karume

On 7 April 1972, Abeid Amani Karume was shot dead by Lieutenant Hamoud, an army officer and a former Umma member. Hamoud's father was killed in detention just after the revolution. Hamoud, the son, had openly expressed a wish to avenge his father's death. Yusuf Himid, the army commander, was ill. Ali Mahfoudh took charge to restore order. The army killed all the four who were in Hamoud's team, including Hamoud himself.⁶¹

⁶⁰ Philip Ochieng, 'The Plenty and the Empty on Clove Islands', *Tanzania Standard*, (Dar es Salaam), 3 September 1971 quoted in Martin op. cit.: p. 62.

⁶¹ Clayton 1981: pp. 150–153. See also Hutchinson 1974.

About Jumbe returned on the same day around 4.00 p.m. from a meeting in Arusha. As he was being driven home, he passed by the party headquarters. There was some commotion and policemen were all over. He drove to the State House, did not find anybody there. As he was returning he saw Karume's car parked at the hospital. He drove to the hospital. He found Chinese doctors trying to revive Karume. A Chinese doctor told Jumbe that most probably Karume died on the spot. On coming out, Jumbe saw Hassan Nasser Moyo and Yusuf Himid. He broke the news. They cried.

Jumbe immediately telephoned Nyerere. "*Huku jambo kubwa limetokea. Yeye akaniambia 'Karume?'. Nimesema ndio. Akasema basi nitaitisha Baraza la Mawaziri.*"⁶² They left the body to be preserved and went straight to the army camp. Most members of the Revolutionary Council were there but there was no chairman. Seif Bakari pointed to Aboud Jumbe to take the chair. Jumbe told me that he was surprised because Karume had sometimes dropped a hint that the 'Committee of 14' did not like him (Jumbe). Next day the party met and confirmed Jumbe as the chairman of the party as well. Nyerere appointed him the First Vice-President of the country as by law the President of Zanzibar became the vice-president of the Union.⁶³

The assassination was laid squarely at the door of former Umma cadres. Just before the assassination, Babu had been unceremoniously dismissed from the Union cabinet while leading a delegation

⁶² 'A big thing has happened here. He said, "Karume?", I said "yes". "OK", he said, "I'll call a Cabinet meeting." [translation by the author] This is a quote from the interview with Jumbe as he recalled the incidence. The tone with which Jumbe narrated Nyerere's reaction was to convey the message that Nyerere already knew.

⁶³ In the interview, Jumbe told the author that he later heard that Nyerere was inclined to appoint Ali Hassan Mwinyi as the vice-president but was advised by his Attorney General that he had to appoint Jumbe once Jumbe was appointed the President of Zanzibar. This story must be taken with a pinch of salt since Jumbe might have been trying to distance himself from Nyerere especially because there has been wide-spread belief in the country that Nyerere had a hand in ensuring that Jumbe, instead of Seif Bakari, succeeded Karume. Clayton (1981: p. 152) states that, 'Bakari was known to be Karume's own choice as his successor.'

to Addis Ababa, no doubt at the behest of Karume. Other former Umma, Ali Sultan Issa and Ahmed Badawi Quallatein, who were in the Zanzibar government, were also dismissed.⁶⁴ Immediately after the assassination, there was a massive crackdown. Some 1000 people in Zanzibar, including Ali Mahfoudh, Ali Sultan and Khamis Abdulla Ameir, the only remaining Umma member on the Revolutionary Council, were arrested. On the mainland, some 100 people were detained including Babu and all those former members of the PLA who had been posted to mainland. The arrests included not only former Umma, but even fellow travellers (as he calls himself) like Ali Nabwa.⁶⁵ In Zanzibar, the prisoners were severely tortured by the security apparatus set up by the East Germans. Some five people died in detention. On the mainland, conditions were slightly better. While Nyerere refused to send the detainees on the mainland to Zanzibar for trial, he did not try them on the mainland either, nor were they released until after the merger of the parties in 1978.

Over 80 people were put on trial in Zanzibar including 18 from the mainland who were tried in absentia. The 'judicial system' in Zanzibar, as already described, had no safeguards. The most critical evidence was the confessions extracted under torture from the detainees who had already been convicted and sentenced to death on their own plea of guilty. The prosecutor was Attorney General Wolfgang Dourado, who, under the Zanzibar system, was also the defence counsel. Submitting on the admissibility of the statements extracted under torture, Dourado said:

The question that first arises is, are these statements admissible in law? The short answer to this question is that while they would be inadmissible in some systems of law, our system has no bar to the admissibility of such statements. Your Honour will observe that I am conceding that some form of arm-twisting was adopted in order to obtain these statements.⁶⁶

⁶⁴ Chase 1976: pp. 19–20.

⁶⁵ Nabwa 2003.

⁶⁶ Quoted in Chase 1976: p. 24.

The court, which could only be described as a 'kangaroo' court by any standard, found 14 of the 18 detainees on mainland guilty and sentenced them to death including Babu and Ali Mahfoudh. Thirty-one on the islands were found guilty of whom 20 were sentenced to death and others to various terms of prison sentences.⁶⁷ The whole trial was another political episode in which both sides (Nyerere and Jumbe) made their decisions on political pragmatism rather than any legal or moral principles. For Jumbe, the trial was important to ensure the consolidation of his power against the Karume diehards under Seif Bakari. For Nyerere, keeping innocent people in jail did not count for much so long as he could maintain the Union and consolidate his hold on Jumbe. We will return to this question in the next chapter. Suffice to say that the Union under Karume increasingly drifted apart.

The tension between Karume and Nyerere was at its worse around the time of Karume's assassination. According to Jumbe, they had not been on talking terms for a year or so before the assassination. Bhoke Munanka on the side of Nyerere, and Jumbe on the side of Karume, used to act as intermediaries to carry messages back and forth. Salim Rashid told the author that when he went to bid farewell to Karume after resigning from the government just a day before his assassination, Karume advised him not to quit because he, Karume, was intending to break the Union. Whether or not this story is an afterthought, there is no doubt that the Union was in worse crisis with a real possibility of a break up around the time of Karume's assassination.

Official historiography repeats *ad nauseam* that Karume was a Union enthusiast. Nothing could be further from the truth. If there was one thing that Zanzibaris venerate Karume for, in spite of his despotic rule, it is Karume's Zanzibariness and his dogged resistance to get integrated into the Union and lose Zanzibari autonomy. Smith, who had unhindered access to Nyerere and other officials during his research, for example, mentions that it was Nyerere's threat to pull out the Tanganyikan police from the islands that

⁶⁷ Ibid.

finally made Karume agree to the Union. Yet, he was vacillating until the last moment. 'He even threatened to stay home from the Dar es Salaam ceremony at which the instruments of Union were to be exchanged, ...'⁶⁸ As we have already seen, Karume ran Zanzibar without regard to the Articles of Union while Nyerere continued using law to integrate Zanzibar further in the Union. Two constitutional matters well illustrate the problems of the Union during Karume's time, the making of the permanent Union constitution and the issue of foreign exchange.

The second interim constitution

Following the decision of the National Executive Committee of Tanganyika African National Union (TANU) that Tanganyika should become a one-party state, in January 1964 the President appointed a Commission charged with the 'task of considering the changes in the Constitution of Tanganyika and the Constitution of the TANU, and in the practice of Government that might be necessary to bring into effect a democratic One Party State in Tanganyika'.⁶⁹ Soon after the Union, the President appointed two members from Zanzibar to sit on the Commission. The Commission reported in March 1965.⁷⁰ This was also around the time that the end of one-year period stipulated by the Articles of Union within which to put in place a permanent constitution of the Union was approaching. It was becoming clear that the two parties, the ASP and TANU, were not able to come to agreement on setting the process of making a permanent constitution in place. Thus, an Act of Parliament was passed to allow the President not to constitute a Commission or call a Constituent Assembly notwithstanding the fact that he was required to do so under the Articles and Acts of Union 'but the President, acting in agreement with the Vice-President who is head of the Executive for

⁶⁸ Smith 1971: p. 177.

⁶⁹ Statement by Mwalimu Julius K. Nyerere, President of the Republic of Tanganyika, on the appointment of the One-Party Commission, 28 January 1964.

⁷⁰ Seaton and Warioba 1978–1981: pp. 77–78.

Zanzibar, shall appoint such Commission and summon such Constituent Assembly at such time as shall be opportune' (Appendix 6).⁷¹ The 'interim period' provided in the Articles of Union was also accordingly extended. The Act was passed by a special majority under Section 35 of the then existing 'interim constitution'; thus it was treated as a constituent act.

Implicitly the effect of the Act was to amend the provisions of the Articles of Union and the Acts of Union. The question that arises in law is whether the Union parliament had the authority to amend the Articles and the Acts of Union. As for the Articles, clearly it was an international treaty and therefore could only be amended by the original signatories none of which existed after the Union. After the Union, Zanzibar was no longer a sovereign state on whose behalf the head of its executive could sign treaties while the head of the state of Tanganyika did not exist. At the same time, an Act of the Union parliament could not amend the Acts of Union because the Acts of Union were actually two pieces of law, one passed (purportedly) by the Revolutionary Council and the other by the then Parliament of Tanganyika. Perhaps the Revolutionary Council could amend the ratifying law purportedly passed by it but the Parliament of Tanganyika did not exist to amend the ratifying law passed by it. Perhaps the Union Parliament as a successor to the Tanganyika Parliament could amend the ratifying law in which case the Revolutionary Council and the Union parliament should have respectively amended the ratifying laws. This is not what happened. In any case, such legal nicety was not the consideration then. The postponement of passing of the permanent constitution was a pragmatic political act thinly clothed in a legal veneer. Nyerere put a gloss over it by saying that 'authority is acceptance by the people. It is not just a piece of paper.' He added that he had never liked the idea of setting a one year limit but 'the lawyers wanted to tidy everything up'.⁷²

⁷¹ Section 2 of the Constituent Assembly Act (No. 18 of 1965). The Act was assented to by the President on 24 March 1965 and came into effect on 26 March 1965.

⁷² Quoted in *The Guardian*, 16 March 1965.

Failure to adopt a permanent constitution meant that the country would have to continue with an interim constitution. But the existent interim constitution called the Constitution of the United Republic of Tanganyika and Zanzibar, 1964, could not suffice because the constitution had to provide for a one-party system. The question then was how to adopt a new one-party, albeit interim, constitution. The method of converting the pre-existing national assembly into a constituent assembly copied from Ghana which was used to adopt the 1962 republican constitution, was not available since that would have caused confusion with the constituent assembly provided for in the Articles of Union. Nyerere's legal experts came up with the rather questionable method of making the second interim constitution and the country's fourth constitution by an Act of Parliament. Thus the Interim Constitution of Tanzania (Act No. 43 of 1965) was enacted by the Parliament of Tanzania under Section 35 of the previous constitution. Section 35 provided for the amendment of the constitution by two-thirds majority. The question is whether under the power to amend the constitution, the parliament could have enacted a totally *new* constitution. Under modern constitutional jurisprudence of Commonwealth countries, the answer would be 'no'.⁷³ But constitutional jurisprudence was not that developed then. Common law lawyers with the British background could then countenance a new constitution made by a parliament presumably under the Dicean doctrine of the sovereignty/supremacy of the parliament.⁷⁴ Thus was enacted the 1965

⁷³ Since the leading case of *Kesavananda v. State of Kerala* (Supreme Court of India) AIR 1973 Supreme Court 1461, courts have adopted the 'essential features' doctrine under which the power of amendment of the constitution is limited in that the amendment cannot change the essential features or the basic scheme of the constitutional order. The Tanzanian Court of Appeal has adopted a similar position, see *I. N. Munuo Ngu'ni v. The Judge i/c of High Court, Arusha* (Civil Cause No. 3 of 1993), High Court of Tanzania at Arusha, unreported, and Civil Appeal No. 45 of 1998, Court of Appeal at Dar es Salaam, unreported.

⁷⁴ Even then it is questionable if the parliament has unlimited powers of legislation under a written constitution. See, for example, the celebrated decision of the Privy Council in *The Bribery Commissioners v. Pedrick Ranasingha* [1965] A.C. 172 at p. 197.

one-party Constitution of Tanzania without much debate. Four members of parliament from Zanzibar who spoke all supported each other in proposing that Nyerere should be made life-president and Karume and Kawawa should be his vice-presidents for life.⁷⁵ None of the suggestions was of course adopted. It was only a sop to cover up the lack of agreement on adopting a permanent constitution. Next we look at the salient features of the Interim Constitution under which the Union was governed for the next 12 years.

The 1965 Constitution mostly followed the model of executive presidency set by the republican constitution of 1962 except for three new features. Section 3 stipulated that 'There shall be one political Party in Tanzania' and 'until the union of the Tanganyika African National Union with the Afro-Shirazi Party (which United Party shall constitute the one political Party), the Party shall, in and for Tanganyika, be the Tanganyika African National Union and, in and for Zanzibar, be the Afro-Shirazi Party.' All political activity in Tanzania, except the activity of the Union and Zanzibar governments, was to be conducted by or under the auspices of the Party. Thus the party was given the monopoly of politics. The constitution of TANU, the Tanganyikan party, was appended as a schedule to the Constitution of the State. The ASP constitution was not so appended. The phraseology of the section envisaged that the TANU constitution would be amended to accommodate the merger of the parties when it happened just as Tanganyika's 1962 constitution was amended to accommodate the Union in 1964. Later during the crisis of the early 1980s (see Chapter Six), Zanzibaris recalled this provision as the beginning of the supremacy of the party which eventually became supreme over their 'own' government contrary to the Articles of Union.⁷⁶ Nonetheless, during the Karume period, the two parties remained as separate as it could possibly be. There was hardly any relation between the two parties. Often, ASP officials snubbed TANU by finding frivolous reasons for not attending TANU meetings or sending only junior members. While Karume

⁷⁵ BBC Monitoring Service, 9 June 65, DO 213/183: 'Constitution of Tanzania'.

⁷⁶ See Dourado 1983: *passim*, and Jumbe 1994: pp. 56–58.

lived, there was simply no way the parties could be brought closer and thus, while the ruling party on mainland, TANU became stronger and developed into a state-party, its supremacy had no effect on the state-power in Zanzibar where it was concentrated in the Revolutionary Council, which was the top-most organ of both the state and the party, ASP.

The second feature of the 1965 Constitution was the expansion of the membership of the parliament. There were to be 107 constituency members, 15 elected by the national assembly to represent special interests, 17 regional commissioners from Tanganyika and 3 from Zanzibar by virtue of their office, 'up to' 32 members from the revolutionary council appointed by the President with the agreement of the President of Zanzibar, another 20 members appointed by the President (with the agreement of the President of Zanzibar) who were ordinarily resident in Zanzibar, and another 10 members appointed by the President. Of the total 204 members, some 55, or over one-fourth were to be from Zanzibar. Mainlanders quietly resented this over-representation of Zanzibaris although in practice it mattered little since Zanzibaris hardly participated in the deliberations of the National Assembly⁷⁷ nor, during Karume's time, did they care as to what happened in the National Assembly. For Karume and his colleagues, what mattered was 'their' Revolutionary Council for as he was to say to allay the fears of Zanzibaris, 'Don't worry, we have the right to be represented on *their* National Assembly but they don't have the right to be on *our* Revolutionary council' [emphasis mine].⁷⁸

The third feature of the 1965 constitution was that the jurisdiction of the Union Parliament in Zanzibar was vested by reference to 'union matters' (Section 49) and 'union matters' were specified in the definition section (Section 85). The list in the 1965 constitution was 12 items which included the 11 stipulated in the original

⁷⁷ '... the presence of Zanzibaris in the National Assembly was hardly noticeable. ... Zanzibaris rarely spoke during debates and they asked few questions.' (Fimbo 1992: p. 9).

⁷⁸ Quoted in Dourado 1983: p. 78.

Articles of Union and one added in June 1965 on 'currency, coinage and legal tender (including paper money); banks (including savings banks) and banking; foreign exchange and exchange control'. This controversial item will be discussed in the next section. Suffice it to say since the passing of the 1965 constitution the draftsman used the technique of amending the list in the definition section to increase the list of Union matters. By the death of Karume in 1972, the list of union matters had expanded from the original 11 to 16, including significantly, the sixteenth item which was, 'mineral oil resources including petroleum, its relative hydrocarbons and natural gas'. The items on foreign exchange and mineral oil resources have been extremely contentious throughout the existence of the Union, as we shall see. In the next section, we discuss 'foreign exchange' item, which became very contentious during the Karume period. This 'case study' well illustrates how the Union was legally 'swallowing' Zanzibar and how in practice Zanzibar resisted by simply ignoring legalities while concentrating on practical political power.

FINANCIAL AUTONOMY AND CONTROL

Just after the Union, three broad areas to do with financial affairs of the state became intertwined in relation to the Union. Before independence, the three mainland East African countries and Zanzibar were members of the East African Currency Board (EACB) which administered their common currency under the direction and oversight of the colonial Secretary of State. As members of the Board, these countries had a share in the assets of the Board, were entitled to a share of profits and enjoyed short-term borrowing facilities from the Board. After independence, the governance of the Board was transferred from the Secretary of State to the respective governments which were represented on the Board. As the prospect of the East African Federation receded, Kenya Uganda and Tanzania took the decision to establish their own Central Banks and currency. With the Union between Tanganyika and Zanzibar, three interrelated issues came to the fore. Firstly, there was the issue of whether

Zanzibar would continue to be represented on the Board as was the case before the Union and whether Zanzibar would receive its share of the benefits due to it after the break-up of the Board. Secondly, what would be the role of the proposed Central Bank of Tanzania (BoT) in relation to the financial matters of Zanzibar, and thirdly, what would be the legal status of the proposed 'State Bank of Zanzibar', which the Revolutionary Government of Zanzibar was keen on establishing. It is interesting that indirectly Britain too became, and was an interested party, in all these three issues as one of the Western powers, which had a hand in bringing about the Union. We discuss each one of these next.

Zanzibar, Tanzania and the currency board

In the triangular correspondence between the Secretary to the EACB, one H. R. Hirst, the Permanent Secretary of the Tanganyika treasury (Namfua at the time) and one J. B. Loynes, a member of the Board on loan from the Bank of England as a technical advisor, the issue of the membership of Zanzibar on the Board is raised and discussed. In reply to a query raised by Hirst in a letter to Namfua, as to whether Zanzibar should be invited to the meeting of the Board scheduled for 2 July 1964, given the Union, Namfua replied that the Interim Constitution did not transfer matters related to currency to the Union and therefore 'pending any relevant modifications as may be agreed, the membership of Zanzibar in the Currency Board remains unaffected'.⁷⁹ It is interesting though that Loynes took a different stand which was more political than legal. While cautioning Hirst that 'we should not raise the issue', Loynes said, "it would be improper for the Board to invite a representative from Zanzibar at the present time." He continued: "Indeed it could be highly embarrassing as a measure likely to give further encouragement to the separatist elements on the Island."⁸⁰ In spite of

⁷⁹ Namfua to Hirst, 9 June 1964, ref. TYC/46/01/502. I am grateful to Juma Duni for making copies of this correspondence available to me.

⁸⁰ Loynes to Hirst, 8 June 1964.

Namfua's clarification, Loynes continued to insist in his letter of 8 September 1964 that:

We clearly do not want Zanzibar at our next meeting and I should hope that ways can be found of keeping them out. All I should like to do now is to remind you on this point so that no papers are sent across the water until we are clear where we stand.⁸¹

It was not until after the meeting that Hirst was instructed to send papers to Zanzibar directly instead of through Tanganyika as he was doing following Loynes' intervention.⁸² The constitutional position was not finally resolved until December 1965 after the passing of the Interim Constitution (Amendment) Act (No. 21 of 1965) on 10 June 1965. The legality of the Act will be discussed in the subsequent section. At this stage, it is significant to note that at the insistence of Edwin Mtei (who was now the new permanent secretary), an informal meeting of the board was held on 13 February 1965. This was meant to avoid the attendance of Zanzibar, because, were a meeting of the full board to be held 'he (Mtei) would find it impossible to avoid the presence of a Zanzibar representative'.⁸³ In the final letter written in March 1966 by A. H. Jamal, the Finance Minister, the constitutional position was made clear. Henceforth the Governor of the Bank of Tanzania would be the sole representative of the United Republic on the Board. There would be no separate representation 'of the Executive of Zanzibar'; that 'all distributions of capital and or profits made by the Board in respect of Tanzania' and Zanzibar 'are due and payable only to the Government' meaning the Government of Tanzania; and Tanzania undertook to indemnify the Board should there be any claim against the Board 'by the Executive of Zanzibar by virtue of the Board's compliance' with these instructions.⁸⁴ Thus,

⁸¹ Loynes to Hirst, 8 September 1964.

⁸² See Hirst to Mtei (who was then the permanent secretary to the treasury), 7 October 1964.

⁸³ Extract of the informal meeting held in Dar es Salaam on 13 February 1965 in the files MA/LO.

⁸⁴ Jamal to the Board's Chairman, 22 March 1966, ref. TYC.46/01.

all the contributions with interest that had been accumulated in respect of Zanzibar were paid over to the Tanzania Treasury.⁸⁵ When the Board was dissolved and assets distributed, the assets, which would have otherwise gone to Zanzibar, went to the Union government.

This has been a sore point for Zanzibaris and keeps coming back in different forms in negotiations between Zanzibar and the Union government.⁸⁶ In 1987, Zanzibar was claiming interest on the assets distributed by the EACB to the tune of £1006 million while the Union government claimed that the payments made in the two financial years, 1964–1966 to the tune of Sh.3,246,800 was in full compensation.⁸⁷ Contributing on the Bank of Tanzania Bill, 2006, Hamad Rashid, an opposition Member of Parliament from Civic United Front (CUF), once again reminded the House about the history of the break up of the Board and the establishment of the Bank of Tanzania. He argued that Zanzibar had a share of 11.05 per cent in the Bank deriving from its entitlement from the Currency Board. He asserted that between 1965 and 1993, Zanzibar had not been paid its share of profits and between 1994–2004, Zanzibar was paid a total of T. Sh.3.7 billion only in accordance with the formula worked out by the IMF of 4.5 per cent. On the basis of its original contribution Zanzibar should have received a total of Sh.82 billion, he argued.⁸⁸ “*Haya ndiyo mapungufu ambayo Rais Kikwete anataka yarekebishwe ili Muungano wetu uzidi kuimarika.*”,⁸⁹ he concluded.

⁸⁵ Agenda of the Board, 10 May 1966, ref. TA/ORG/C signed by Hirst..

⁸⁶ *Dira* played an important role in bringing the issue into the public domain referring to the sources cited here. See the article by Mkubwa Mohamed in *Dira* 13-19, 2002 and one by Ali Nabwa in 7–13 February 2003.

⁸⁷ *African Analysis*, 11 December 1987, Issue No. 37. I am grateful to Ahmed Rajab, one of the editors of the magazine for availing me with copies of past issues of the magazine.

⁸⁸ *Hansard*, Third Session, Second Meeting, 29 March 2006, <http://www.parliament.go.tz/Polis/PAMS/Docs/HS-3-2006.pdf>

⁸⁹ ‘These are the shortcomings that President Kikwete [the current president] wants to address so as to strengthen our Union.’

Bank of Tanzania and the People's Bank of Zanzibar

Karume's native intelligence and politically shrewd instinct to survive made him enter the Union. The same instinct made him keep control of the army in spite of the fact that after the Union, defence had become a Union matter. The East Germans who were desperately trying to establish a hold in an African country assisted Zanzibar with not only military and economic aid but also technical advice. East Germany provided Zanzibar with a number of financial experts and undertook to train Zanzibaris in banking and financial matters.

The British National and Grindlays Bank was the government banker in Zanzibar. With the nationalisation of import and export business and the talk of Zanzibar establishing a state bank, the private banks became concerned. The British High Commission thus got involved to help its bank seek reassurance from Karume.⁹⁰ British officials were getting fairly detailed information from its intelligence sources⁹¹ as to the happenings in the Zanzibar ministry of finance. The ministry was under the able leadership of the left-leaning Abdulaziz Twala. Soon after the Union, Twala with the advice of the East Germans began working on establishing a state bank so that Zanzibar would have its financial autonomy and control over reserves. A number of young Zanzibaris were sent for training in financial audit, finance and banking to East Germany. Zanzibar also transferred some £700,000 from the Grindlays bank to the Norodony Moscow bank in London out of reach of both the British banks and the Union government.⁹² Its earlier attempt to realise securities invested by the Crown Agents on behalf of Zanzibar were frustrated by countermanding instructions from Bomani, then the Union minister of finance. Bomani in effect acted after being alerted by the

⁹⁰ 'Letter from Greatorex, British high Commission, Dar es Salaam, to Bourn Zanzibar, PRO, DO 185/3 Banking – Zanzibar.

⁹¹ The two main informants were the Auditor General (Bali) who wanted to leave Zanzibar for Britain and one of the East German advisors (Dinsau) who also wanted to defect to Britain.

⁹² Letter from British High Commission Zanzibar to Dar es Salaam 2/12/65, PRO DO 185/3.

British.⁹³ The Union government did not particularly like the idea of Zanzibar having its own state bank and there were protracted discussions and negotiations between Twala and Bomani, later Jamal, both being the ministers of finance in the Union government.

So long as finance was not a Union matter, Zanzibar had a strong hand. But unbeknown to Twala, Nyerere's legal craftsmen led by Ronald Brown were at work.⁹⁴ The Interim Constitution (Amendment) Act (No. 21 of 1965) making currency, foreign exchange and exchange control a Union matter was passed by the National Assembly on 10 June 1965, was assented to by Karume, in absence of Nyerere, on the same date and came into force on that very day. Clearly, Karume did not know what he was signing; Zanzibaris in the parliament hardly appreciated the implication of what they were passing. Only Twala could have fully understood the implication but he was not a member of parliament. When Karume came back from Dar es Salaam having signed the Bill, Dourado apparently explained that it was detrimental to the interests of Zanzibar but then it was too late, the law had been signed.⁹⁵ As usual Karume did not care about legalities and went ahead to appoint a Bank Commission to look into the modalities of setting up a state bank for Zanzibar.⁹⁶

The correspondence and meetings between Twala and Jamal continued during much of 1965 and early 1966 on the issue of establishing the state bank of Zanzibar on the one hand and its relation with the proposed Bank of Tanzania, on the other.⁹⁷ A number

⁹³ Ibid.

⁹⁴ Interview with xxx, 24 August 2004. An official who participated in negotiations between Twala and Jamal but wished to remain anonymous.

⁹⁵ Ibid.

⁹⁶ *The Standard*, 9 October 1965.

⁹⁷ What follows is taken from these letters and records of proceedings kept by Zanzibar:

- i) First meeting with Tanzania Central Bank Expert Wolf? at Beit El Ajaib on 27 August 1965.
- ii) Letter from Jamal to Twala, undated, 'Tanzania Central Bank and Zanzibar State bank.'

of issues and bones of contention emerge from this correspondence. Firstly, Twala and his East German experts wanted to be closely involved in the preparation of the law on the Central Bank. Twala asked that the German experts be invited to attend meetings in Dar es Salaam and that they be shown the draft legislation for their comments. Apparently, this did not happen. In fact, commercial banks were shown the draft legislation even before the Zanzibaris had a sight of it. Secondly, Twala wanted that the state bank of Zanzibar should be able to carry out the functions of a central bank, even as a branch of the Union central bank. However, Twala wanted the functions of the Zanzibar bank incorporated in the legislation while Jamal did not see the need because the Zanzibar bank should function like any other bank under the jurisdiction of the Central Bank. At one point it was even suggested by Jamal and Mtei, then the Governor-designate of the Bank of Tanzania, that all problems would be solved if Zanzibar bought some shares in the Tanzania Bank of Commerce. In other words, the suggestion amounted to belittling Zanzibar's government and its aspiration to have its own central bank.

Thirdly, there was the issue of the appropriate legal status for the Zanzibar Bank. Confronted with the constitutional position, Twala's next best option was to have the Zanzibar bank be recognised by the Union legislation as an institution performing the functions of a central bank, even if it did so 'in name, for account

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- iii) Report of the special Meeting held on 20 October 1965 in the Treasury, Dar es Salaam between a Zanzibar Team headed by the Minister of Finance, Zanzibar and a Dar es Salaam Team headed by the Minister of Finance, Tanzania.
 - iv) Meeting with Tanzania Central Bank? on 12 November 1965 at Treasury Dar es salaam.
 - v) Letter from Twala to Jamal, 25 November 1965.
 - vi) Letter from Nsekela to Twala, 30 November 1965.
 - vii) Letter from Twala to Jamal, 21 December 1965.
 - viii) Letter from Twala to Jamal, 21 December 1965.
 - ix) Letter from Jamal to Twala, 23 March 1966.
 - x) Letter from Twala to Jamal, 31 March 1966. [All mimeo in author's possession.]

and on behalf of Tanzania Central Bank'⁹⁸ provided 'that function designated to Zanzibar Bank be incorporated in the legislation of Central Bank'.⁹⁹ But Jamal and his officers would not budge. Jamal continued to argue in different language the same point that the Zanzibar Bank could be established like any other ordinary bank 'under any suitable Ordinance applicable in Zanzibar provided it would not carry out the work reserved for Central Bank (e.g. currency issuance, coinage, exchange control)'.¹⁰⁰ Matters came to a head in early 1966, once the Bank of Tanzania had been established and the relevant laws like the Banking Ordinance and the Exchange Control Ordinance (Cap. 139) had been extended to Zanzibar. In his letter to Twala dated 23 March 1966, Jamal drew Twala's attention to the amendment of the Interim Constitution and raised concern at the information that Zanzibar was considering establishing its bank by an Order of the President under Zanzibar's Public Enterprises Decree, 1966. Jamal continued:

I am advised by the Attorney General that an Order under the Public Enterprises Decree which purported to establish a bank would be ultra vires and of no effect in law, having regard to the provisions of the Interim Constitution to which I have already referred.¹⁰¹

Expressing anxiety on the relationship between the Zanzibar Bank and the Bank of Tanzania should its legal status be in doubt, Jamal continued in a patronising tone that 'the credit-worthiness and general standing of the bank would [also] be most seriously damaged if there were legal doubts about whether it had been properly

⁹⁸ Twala to Jamal, undated.

⁹⁹ 'Report of the Special Meeting held on 20 October 1965 in the Treasury Dar es Salaam between a Zanzibar Team headed by the Minister of Finance, Zanzibar and a Dar es Salaam Team headed by the Minister of Finance, Tanzania'. This is not signed or dated but no doubt it was prepared by a Zanzibari official.

¹⁰⁰ Ibid.: p. 2. Apparently this was the opinion of Bomani, the legal advisor.

¹⁰¹ Jamal to Twala, 23 March 1966, ref., TYC.46/08/01.

established'. Jamal issued a veiled directive in the form of gratuitous advice:

You may remember that when this matter was discussed last year, the Attorney General pointed out that there would be no difficulty in establishing the bank as a company under your Companies Decree, with the entire shareholding owned by the Zanzibar Executive and applying for a license to operate as a bank under the Union Banking Ordinance which no doubt you would have taken into account in drawing up the Articles etc. of the Zanzibar Bank. It would also be possible to establish the bank by Act of the Union Parliament. No conflict with the provisions of the Interim Constitution would arise in the event of your adopting either of these alternatives.

The first alternative to establish the Zanzibar Bank as a private company and seek license from Union authorities would take the sting out of Twala's proposal which was really meant to assert Zanzibar's 'sovereign' right to have its own 'central bank'. The second proposal would literally mean surrendering the control, supervision and financial autonomy that both Karume and Twala desired. In the event, legally Zanzibar had no option. In a face-saving letter Twala implied that he had chosen the first option.¹⁰² The Zanzibar Bank called the People's Bank of Zanzibar¹⁰³ was registered as a private company with two shareholders, one of them being Karume himself.¹⁰⁴

Fourthly, Twala wanted that the borrowing facilities and a share of profits proportional to its contribution that Zanzibar used to receive from the EACB should be maintained and stipulated in the legislation. While recognising in principle that Zanzibar was entitled to the benefits and facilities it enjoyed from the Currency

¹⁰² Twala to Jamal, 31 March 1966.

¹⁰³ It was called the 'People's Bank' instead of 'state bank' because there could not be two central banks in the same country.

¹⁰⁴ Information from Ali Hasan, State Attorney.

Board, Union officials resisted making any legal commitment in terms of numbers. On instructions of 'his' minister, Amon Nsekela, the then Principal Secretary to the Treasury wrote to Twala¹⁰⁵ on 30 November 1965 that short-term financing for the Executive for Zanzibar would not be decreased but 'there will have to be administrative arrangements for the bank of Tanzania to make these credits available through the Union Government, as the legislation provides for short-term credit to be made by the bank to the Union Government only'.¹⁰⁶ As for the apportioning of profits, the letter stated:

The manner in which the apportionment will be effected is a matter for future study and advice by the Bank, but my minister envisages that, like the Currency Board profits this should be related to the note circulation. In this connection, I am to state that this undertaking is, of course, on the understanding that it is subject to the unavoidable overall review of arrangements for financing the services in fact provided by the Union Government and the Executive for Zanzibar so that neither the financial interests of the Union Treasury nor those of the Executive for Zanzibar are prejudiced.¹⁰⁷

Words apart, the substance was simply that no guarantee sought by Twala was given. In effect, the letter stated that the Bank of Tanzania, in the light of its operations, would make decisions and that Zanzibar would be no more than like any other 'political authority'¹⁰⁸ in this respect. The Bank of Tanzania would have the exclusive jurisdiction of issuing currency, keeping and controlling foreign reserves, setting fiscal policies and being the banker to the

¹⁰⁵ Clearly this was meant to be a snub since the correspondence hitherto was between Twala and Jamal.

¹⁰⁶ Nsekela to Twala, 30 November 1965, ref. TYC 46/08/04.

¹⁰⁷ *Ibid.*: p. 2.

¹⁰⁸ 'Political authority' as defined in the Bank of Tanzania Act actually referred to municipal governments and local authorities. Zanzibaris found it offensive that they should be equated to local authorities but there is little they could do.

Government. Twala was not satisfied because 'the letter of commitment sent to me particularly the last paragraph [quoted above – I.G.] does not genuinely provide sufficient guarantee'¹⁰⁹ It was a voice in the wilderness. The Bank of Tanzania Act, 1965 (No. 12 of 1966) passed without taking on board the concerns of Zanzibar. As was typical with Karume, he simply ignored the law and continued keeping Zanzibar's reserves separately¹¹⁰ while the People's Bank of Zanzibar continued to function as the government banker until 2001 when the functions of the People's Bank were taken over by the Bank of Tanzania which established a branch in Zanzibar.¹¹¹ The issue of the division of revenue between Zanzibar and the Union remains unresolved. In 1994, an IMF expert, concerned with arbitrary budgetary allocations to Zanzibar, set the formula at 4.5 per cent for Zanzibar¹¹² without consulting Zanzibari authorities.¹¹³ This was clearly unsatisfactory to Zanzibar which has continued to raise the issue in the Joint Financial Commission demanding the revision of the formula from 4.5 to 10 per cent.¹¹⁴ Mainlanders, on the other hand, resent Zanzibar's demands considering them illogical and out of proportion to the size of Zanzibar and its contribution to the Union kitty. The tension on that score remains unresolved and one of the thorny issues of the Union. The tension is not unrelated to the way 'currency and foreign exchange' was added to the list of union matters. As we discuss below, the legality of the addition is at best dubious while its legitimacy is totally lacking.

The Interim Constitution (Amendment) Act, which added the twelfth item relating to currency and foreign exchange to the list of

¹⁰⁹ Twala to Jamal, 21 December 1965. Note that Twala continues to address his letter to Jamal although he is replying Nsekela's letter.

¹¹⁰ As a matter of fact, Zanzibar did not even remit taxes listed as the union matter to the Union Consolidated Fund while maintaining that all expenditures on union matters in Zanzibar should be made from the Union Consolidated Fund. See Fimbo 1992: p. pp. 13–14.

¹¹¹ See Othman Masoud 2005: pp. 3–6.

¹¹² See *The East African*, 9 May 2004.

¹¹³ Interview with xxx op. cit.

¹¹⁴ *The East African* op. cit.

union matters, was passed by the Union parliament. In effect, it amended the list of union matters provided in the Interim Constitution of the United Republic of Tanganyika and Zanzibar, 1964, or the first interim constitution. The Interim Constitution itself was made by the President under the powers given to him by the Acts of Union to modify the Constitution of the Republic of Tanganyika so as to accommodate the Union within the terms set by the Articles of Union. The question then arises whether the President or the Union Parliament had powers to extend the list of union matters. The power of the President to modify the Tanganyikan Constitution was limited by the fundamental provisions (Articles (iii) to (vi) of the Articles which contained the specified 11 matters (Article (iv)). During the interim period 'the united Republic shall be governed in accordance with the provisions of Articles (iii) to (vi)' (see Article (ii)). Clearly therefore the list of union matters could not be amended during the interim period and neither the President nor the Parliament had powers to do so. It could therefore be argued that the addition of item 12 on the list was in breach of the Articles and Acts of Union and therefore invalid.

Together with the Interim Constitution (Amendment) Act, the Exchange Control Ordinance (Amendment) Act (No. 22 of 1965) was also passed and assented to by Karume. The Act was extended to Zanzibar and the corresponding Zanzibar Exchange Control Decree (Cap. 139) was repealed. Section 24(1) stipulated that the extension 'shall have effect as if it had been so extended under the Acts of Union of Tanganyika and Zanzibar'. This was another legal subterfuge. Under the Acts of Union, only the President was given powers to extend relevant Tanganyika laws to Zanzibar in respect of Union matters and repeal corresponding Zanzibar laws. The Union Parliament did not have this power. Nor could it be possibly argued, for reasons already given (*supra* p. 125) that the Union Parliament implicitly amended the Acts of Union. Thus the legal validity of extending the Exchange Ordinance to Zanzibar was also doubtful.

None of these laws could be considered legitimate either. The Zanzibar side did not then or later accept, by conduct or otherwise,

the twelfth item or the control of foreign exchange. The fact that Karume assented to the Amending Acts as an Acting President in absence of Nyerere makes no difference. Circumstances surrounding the issue show that Karume did not know what he was doing. Whether Nyerere's absence at this crucial moment was co-incidental or designed cannot be easily established but it is certainly suspect given the controversy surrounding the issue of finance and banking at the time.¹¹⁵ At the end of the day, the legal veneer with which Nyerere's legal craftsmen surrounded the relationship with Zanzibar was at best dubious, even if technically correct, which too is doubtful, but the political legitimacy of the Union, which in the final analysis is the benchmark of constitutionality, was virtually absent. The dubiety of legality and lack of legitimacy of the Union continued to haunt the Jumbe period, which had repercussions in not only Zanzibar but the mainland part of the Union as well.

¹¹⁵ It is interesting that the British embassy officials who were otherwise very astute and picked up even minor signals did not seem to have noticed that the assent was signed by Karume. At least, I did not come across any minute or despatch commenting on this specific aspect though I did see papers reporting with satisfaction the passing of the Act.

Chapter Five

NYERERE'S VISION AND JUMBE'S CONSOLIDATION: THE BIRTH OF A PERMANENT CONSTITUTION (1972–1977)

JUMBE CONSOLIDATES POWER

About Jumbe was the only 'educated' member of the original Revolutionary Council left after Karume had got rid of other Afro-Shirazi Party (ASP) intelligentsia by elimination or forced emigration. Although occupying various ministerial posts in Karume's regime, Jumbe was not known for any independent initiative or even mild criticism. He acquiesced in Karume's excesses and did his bidding without questioning. This is what ensured his survival. Although the 'hardliners' of the 'Committee of 14' under Seif Bakari¹ did not like him, as Karume had once backbitten to Jumbe,² they did not consider Jumbe a threat enough to eliminate him.

About Jumbe was certainly not an heir apparent. His choice as Karume's successor may have been a compromise, partly to keep the Revolutionary Council together and partly to assuage popular resentment of the ASP.³ At the time and later, the popular belief among many in Zanzibar and the mainland was that Nyerere had a hand in the choice of Jumbe. Jumbe himself sternly denied it in the interview with the author. Perhaps both these positions are an

¹ Among the names often mentioned in the camp of Karume hardliners are: Seif Bakari, Abdalla Said Natepe, Yusuf Himidi (all in the army), Said Washoto, Said Iddi Bavuai and Khamis Darwesh.

² Interview Jumbe op. cit.

³ Hank Chase 1976: *passim*.

ex post facto rationalisation. There is no direct evidence that Nyerere was involved in the succession issue; yet, Jumbe's story that Colonel Seif Bakari spontaneously pointed to him to take the chair when members of the Revolutionary Council met at the army headquarters immediately after Karume's assassination is too simplistic to be wholly true.⁴ Whatever the truth, Seif Bakari 'hardliners' needed a Jumbe to provide a veneer of legitimacy while Nyerere lost no time in ensuring full support as Jumbe set to consolidate his power.

Jumbe in power turned out to be shrewder than he was as a member of the Revolutionary Council. He took a number of measures to ensure his political survival by gradually sidelining the 'hardliners' without necessarily destroying them. In the first few years, he used the vast foreign reserves to the tune of some \$88 million hoarded by Karume to import food and other commodities to relieve the shortages which had become rampant during the Karume period.⁵ He established the first colour television in this part of the world, extended airport runways in both Unguja and Pemba, improved roads, bought a new ship for inter-island transport and embarked on partial rural electrification.⁶ Eventually, he also relaxed the movement of people in and out of Zanzibar and lifted the ban slammed by Karume on the return of former Zanzibaris who had emigrated after the Revolution.⁷

Besides these popular measures, Jumbe systematically reformed the party apparatus of the ASP making party organs more powerful than the Revolutionary Council and bringing into the fold middle-level party cadres. Secondly, he allowed and personally encouraged and selected eligible candidates to go for higher education, particularly to the University of Dar es Salaam thus creating a small 'educated elite'. It was from this elite that he recruited his ministers and permanent secretaries in the government. Ironically, as we shall see,

⁴ Interview Jumbe op. cit.

⁵ Hutchinson 1974 and Bailey 1974.

⁶ Ibid. See also Mzale 1989.

⁷ See the Emigration Control Decree, 1979 (No. 6) which repealed Karume's Emigration Decree, 1969 (No. 9).

it was also from this group that the future opposition to him emerged. Thirdly, Jumbe reformed the judiciary making it relatively more independent of the Revolutionary Council, and recruiting qualified personnel for the higher judiciary. Fourthly, he went out of his way to appoint leaders from Pemba. Unlike Karume, he visited Pemba more often, held important party meetings there and tried to bring some development to that island. Finally, he took his role as the First Vice-President of the Union rather seriously spending considerable time on visits to the mainland. Occasionally, he treaded on Nyerere's toes, particularly for his support in the building of mosques on the mainland. Nyerere, however, tolerated it so long as Jumbe did not obstruct Nyerere's moves to consolidate the Union and did not exercise real power on the mainland. Jumbe confessed that Nyerere hardly ever consulted his Vice-President (Jumbe) on any serious matter or heed the latter's advice.⁸

We now turn to give Jumbe's reforms a more detailed look in the context of the consolidation of his power on the one hand, and the consolidation of the Union, on the other.

Reforming the ASP structure

ASP was declared supreme soon after the revolution but in practice Karume more or less obliterated the difference between the state and the party. As the state and the party merged, the Revolutionary Council emerged to be the centre of power under Karume's absolute authority. Party organs and structures fell into disuse. The last (Fifth) Congress of the party was held in 1963, just after independence. During Karume's eight-year rule the highest organ of the party never met. Within a few months of assuming

⁸ According to Jumbe, only once Nyerere accepted his position. This was when Jumbe objected to sending the Prime Minister to receive the American Secretary of State Henry Kissinger on a visit to Tanzania. Instead, Kissinger was received by the then Foreign Minister Ibrahim Kaduma. Nyerere generally did have a streak of self-righteousness and intellectual arrogance which often made him ignore the advice of his political colleagues and or contemptuously dismiss the opinion of local intellectuals as opposed to his expatriate friends whom he coveted.

office, Jumbe called the Sixth Congress which was held in Chake Chake, Pemba. Some 600 delegates attended. At this Congress, attended by some African leaders and the top leadership from Tanganyika African National Union (TANU), including Nyerere, Jumbe's position as the chairman of the Revolutionary Council and the President of the Party was ratified thus boosting his legitimacy within the Party. Jumbe also had the Party's new constitution adopted. The 1972 constitution rationalised the party structures, created a 'politburo' of nine persons, all appointed by the ASP President. The politburo was to have more power than the Revolutionary Council or the ASP Executive Committee.⁹

In a series of decrees passed in 1972, the centre of power was shifted away from the Revolutionary Council to Party organs. ASP Revolutionary Committees were established throughout Unguja and Pemba. The Committees consisted of various officials of the Party and representatives of different sections, such as the youth, the women, the elders, the army, the police and the security. The Chairman of the Revolutionary Council appointed all members and Revolutionary Committees, which had direct access to the Revolutionary Council. The powers and functions of the Committees were equivalent to those usually performed by local governments.¹⁰ When the Revolutionary Committees met to discuss party matters, they were chaired by political commissars appointed by the President of the Party from within or without the Committee membership.

The Appointment of Chairmen Decree, 1972 (No. 8) formally established the post of the President as Head of the Zanzibar Executive, who 'shall be the Chairman of the Revolutionary Council' (Section 2(1)). The Chairman was given powers to appoint the Chairman, Deputy Chairman and Assistant Chairman (the equivalent of

⁹ See, generally, Bailey 1974: pp. 95 et. seq., Mwaga 1984 and Mlimuka 1986: pp. 241 et. seq.

¹⁰ See the Councils for the Perpetuation of the Revolution Decree, 1972 (No. 6) and the Councils for the Perpetuation of the Revolution (Amendment) Decree, 1972 (No. 10).

minister, junior minister and permanent secretary respectively) and other government officers in various sections of the government. The Decree further stipulated that the Chairman of the Revolutionary Council 'shall in consultation with the Revolutionary Council have the power to appoint additional members of the Revolutionary Council and likewise to terminate the appointment of the member of the Revolutionary Council'. The Decree made it clear that the Chairman need not appoint 'ministers and assistant ministers' from among the members of the Revolutionary Council. This was an extremely important power which enabled Jumbe to shift the balance of power within the Revolutionary Council by bringing in 'new blood' while at the same time creating a countervailing force to the Revolutionary Council in the government which was run by younger, more educated and competent personnel. Although the Revolutionary Council was still the supreme legislative body, Jumbe introduced more formal procedures in which government 'ministers' presented their proposals and budgets which were deliberated upon before decisions were taken.¹¹ The nature of the discourse in the Revolutionary Council no doubt changed, overwhelming the semi-literate 'hardliners'. The Seif Bakari clique detested this turn of events and warned Jumbe that his 'new blood' would turn out to be 'traitors',¹² yet they could do little when they, as everyone else, knew that Jumbe had the support of Nyerere.

There were limits to how far Jumbe could go in dealing with the 'hardliners', firstly, because he had been part of the regime which committed the excesses and could not easily dissociate himself from the 'hardliners'. Secondly, he needed them in case of any challenge to his power from the 'left'. Thirdly, Jumbe's strategy of restructuring the ASP to consolidate his power base itself was contradictory. While his partial opening up was welcome, the majority of the Zanzibari population still identified the party apparatus with Karume 'hardliners' and their excesses. The party as

¹¹ Interview with Seif Shariff Hamad, 14 August 2006.

¹² Ibid. This warning turned out to be prophetic as we shall see in the next chapter.

such therefore was not very popular. This became very clear when eventually ASP was dissolved in 1977 on the formation of Chama cha Mapinduzi (CCM). The merger of the ASP with TANU was more welcome on the Islands than on the mainland. Thus Jumbe could not afford to make a clear break with the Karume regime. He tried to placate the 'hardliners' by taking a hardline position on those alleged to have assassinated Karume and drawing upon Karume to legitimise his reforms.

Some 81 people, mostly ex-Umma and dissidents within the ASP, were charged with treason. Eighteen, including Babu, were held on the mainland. They were tried in absentia. After three years of detention, the trial court sentenced 14 of the 18 on the mainland, including Babu and Mahfoudh, to death. Of those detained in Zanzibar, 9 were sentenced to death on their own admission of guilt; 20 of the remaining 31 who were found guilty of treason, were sentenced to death and others to long-term imprisonment.¹³ Three persons died in custody in Zanzibar. During the trial a number of accused complained of severe torture by the security forces trained by the East Germans. The trial apparently was so important in the process of Jumbe's consolidation that Nyerere acquiesced in holding Babu and his comrades in detention without trial for some six years. In his speech celebrating the 13th anniversary of the Revolution in January 1977, Jumbe went out of his way to condemn those who ridiculed the people's court system and in particular the trial of the alleged assassins of Karume. He said that Zanzibar had a right to choose its own judicial system rather than follow the one left by the colonialists.¹⁴

In sum, Jumbe carried out his partial de-Karumeisation in the name of perpetuating (to use the words of the ASP (Amendment) Decree, 1972) 'the thoughts, ideas and teachings of the late Mzee Abeid Amani Karume the Founder of the ASP and the Leader who led and maintained the Zanzibar Revolution and finally gave his

¹³ Hank Chase 1976: p. 30.

¹⁴ Speech made on 12 January 1977, ZA: BA69/10.

life for the Revolution'.¹⁵ While he tried to weaken the power of the Karume clique, he could not totally alienate them. He used the trial to placate the hardliners while at the same time ensure that the potential opposition from the 'left' (the Babu faction) was either destroyed or at least cowed down. Sometime in 1978, after the merger of the parties, Nyerere released Babu and his comrades from the mainland prison. Soon after, Babu went into a self-imposed exile, first in the USA then in the UK where he lived until his death in 1996. Babu's exile marked the end of whatever was left of the organised 'left' opposition in Zanzibar.

Jumbe's 'educated elite'

Jumbe almost totally overturned Karume's undeclared policy of blocking Zanzibaris from higher education, particularly university education. He personally selected the first group of 11 persons to go to the University of Dar es Salaam in 1972. The group, among others, included Seif Shariff Hamad, Juma Haji Duni, Abubakar Khamis Bakary, Iddi Pandu Hasan, Muhhamad Mzale and Omar Mapuri. The first three eventually became prominent leaders of the opposition party, Civic United Front (CUF), while the last three have served in prominent positions in the Zanzibar government since. Since Jumbe opened up, scores of Zanzibari students have been going to the University of Dar es Salaam on mainland and a few have also ventured overseas. Between 1977 and 1982, for example, there were some 180 students from Zanzibar enrolled at the University of Dar es Salaam.¹⁶ The post-Karume 'educated elite' occupied important positions in the state structure and played a significant role in introducing a modicum of rationality in the

¹⁵ Section 3F(2) of the ASP (Amendment) Decree, 1972 (No. 12). This Decree reaffirmed the Supreme Authority of the Party and increased the number of Party Departments from 7 to 16, creating a Party structure which ran parallel to the Government structure.

¹⁶ Sebtuu Muhammad 1984: p. 6.

government. They have also been prominent and vocal on the Union question.

Judicial reforms

The judiciary which tried the treason case was the same that had been inherited from the Karume period, in essence a 'kangaroo' court in which the accused had little procedural rights. The London trained lawyer, Wolfgang Dourado, who had served the colonial and Karume regimes, was both the prosecutor and the defendant's lawyer. Karume had long done away with defence lawyers. The trial itself was a dramatic illustration of the 'kangarooness' of the court system. Dourado managed to secure convictions mainly on the basis of confessions of the co-accused, no doubt obtained under torture. In his final speech, Dourado was candid enough to concede that some material evidence was obtained through what he called some 'arms-twisting', a huge understatement, yet went ahead to argue that it was nonetheless admissible.

Coming to the prosecution case, it rests in the main on the evidence of nine of the accused who have pleaded guilty ... Before they came to give evidence they were sentenced on their own plea of guilt and each of them was sentenced to death ... Part of the prosecution case rests on the statements made by the accused persons. Most of these admit guilt and in addition involve others in the plot ... During the trial those who admitted guilt in their statements retracted them. They contended that the statements were improperly obtained and were therefore not voluntary statements. Because of the conditions in which these statements were taken they were forced to admit guilt and concoct lies and in other cases the investigating officers added to their statements in order to strengthen the case against them. The question that firstly arises is, are these statements admissible in law? The short answer to this question is that while they would be inadmissible under some systems of law, our system has no bar to the admissibility of such statements. Your Honour will observe that I am

conceding that some form of arm-twisting was adopted in order to obtain these statements.¹⁷

Beginning 1978, Jumbe began to take cautious steps to reform the judicial system. Initially, he recruited professionally trained persons to be the judges of the High Court including the Chief Justice. In 1978, he appointed Abdulwahid Borafia, son of a prominent Zanzibari, who was teaching in the Faculty of Law at the University of Dar es Salaam, to be the Chief Justice. He also appointed Lieutenant Colonel Augustino Ramadhani to be the Deputy Chief Justice. Ramadhani did virtually all his education on the mainland. He also studied his law at the then University of East Africa, the predecessor of the University of Dar es Salaam. Later Ramadhani became the Chief Justice.¹⁸

Procedures that are more formal were adopted by the High Court and the Chief Justice brought at least the higher judiciary closer to the common law judicial system obtaining on the mainland. An amendment to the People's Court Decree streamlined the jurisdiction of the Area and District People's Courts, providing for appeals to the High Court. In addition, the High Court was given supervisory jurisdiction over People's Courts.¹⁹ In 1979, the appellate role of the Supreme Council, a body of the Revolutionary Council, was clipped as only decisions in murder, manslaughter, attempted murder and treason were appealable to the Supreme Council.²⁰ The result of these reforms, as observed by Ramadhani, was to make the judiciary, for the first time since the Revolution, relatively independent of the Revolutionary Council.²¹ Whether in practice, judicial organs really acted free from political pressures and influence is of course another matter.

¹⁷ Quoted in Hank Chase 1976: pp. 23–24.

¹⁸ At the time of writing, Justice Ramadahani was appointed the Chief Justice of the United Republic after serving for many years on the Court of Appeal.

¹⁹ See the People's Courts (Amendment) Decree (No. 1 of 1978).

²⁰ See the Supreme Council (Amendment) Decree (No. 9 of 1979).

²¹ See generally Ramadhani 1989.

In summing up, it is fair to say that Jumbe's reforms were carefully crafted to ensure that his own authority and power as the President of the Party would not be affected. In this respect, what Karume had done arbitrarily and extra legally, Jumbe did more systematically and through law; but he remained the ultimate source of power and authority and to a considerable extent centralised power in his own hands. Although Jumbe is rightly credited with first 'democratic opening', the opening was limited. Thus, it did not create a popular base for Jumbe which ultimately proved to be his undoing. Jumbe's consolidation of power within Zanzibar went hand in hand with the consolidation of the Union. In this the main actor was Nyerere. Nyerere did not lose time in taking the opportunity to press ahead with his vision of the Union, that is, deeper integration of Zanzibar in the Union. And he 'hit' where it mattered most, at the party level. Next we look at the process of the merger of the ASP and TANU to form CCM.

THE MERGER OF THE PARTIES

In his speech on the occasion of the 10th anniversary of the Union and only two years after Jumbe's takeover, Nyerere took the opportunity to analyse the problems of the Union.²² We will discuss the speech elsewhere in this book. Suffice it to say he touched on two important issues which presaged his eventual course of action in consolidating the Union. He argued that at the formation of the Union, the constitutional framework was deliberately flexible so as to allow building of trust on both sides. The decision to unite was political; the constitution was there to serve the Union and not the Union to serve the constitution. After 10 years, however, 'we can say that we have built and consolidated mutual trust ... now all of us must scrupulously observe every article of the constitution....' The message could not be missed. Karume had ignored the Acts of Union and run Zanzibar as if there had never been any Union

²² Mimeographed copy of the speech in ZN GC 9/18.

while Nyerere had 'manipulated' the law to add to the list of Union matters (see below). Nyerere was thus admonishing that all sides had to return to the legal foundations.

Then he turned to the issue of political parties. Observing that while the country was constitutionally a one-party state, in reality it had two parties, TANU and ASP. So long as this anomaly continued, 'our Union will continue to be bedevilled by a fissure, a fissure which can be used by our enemies to disrupt our unity....' So he went on to urge very close relationship between the two parties. These were test balloons. The very next year Nyerere returned to the question of the Union and this time around made a very definite proposal to merge the parties.

On 22 September 1975, the electoral conference of the Party, that is, a joint meeting of the National Conference of TANU and delegates from the ASP, met in Dar es Salaam to nominate the Party's candidate for the forthcoming Presidential and Parliamentary elections to be held in October 1975. As was customary, the President of the ASP, Aboud Jumbe stood up to propose Julius Nyerere's name. And again, as had then become customary, the meeting hall broke into dancing, ululations and chanting of Nyerere's name – "*Nyerere Oyee! Nyerere Juu!*" – which went on for 10 minutes before the atmosphere settled down to hear Nyerere's acceptance speech.²³ This was the fourth time Nyerere was being proposed to lead the United Republic. Nyerere began by cautioning his fellow members of the party on the practice of nominating the same person to be their candidate and therefore ultimately the president of the country. While the Tanzanian constitution did not limit the tenure of the president or a provision for life-presidency, both of which had their pluses and minuses, he believed that it was necessary for people to begin to think in terms of changing their president. Nonetheless, he did accept the nomination and did not step down until 10 years later.

²³ This description, unless stated otherwise, is taken from Mohamed 1979: pp. 8 et. seq.

Having thus introduced his prepared speech, he turned to the other issue, the question of there being two political parties in a one-party state and one-party constitution. He said:

I believe that this is a blemish on the face of our Constitution, and not a small one either. I do not have TANU's or ASP's mandate to say what I am going to say. **But I sincerely believe that time has come for us to think seriously how to get rid of this blemish.**²⁴

Nyerere went on to say that he was conscious of the fact that members of TANU and members of ASP were used to and loved their parties, so much so that they would rather have the parties change their policies but not their names. Historically the parties were known and their names were known, 'but for the Tanzania of today and tomorrow and the day after, the existence of two parties and their names cannot be sacrosanct'. He continued:

TANU's policy is Socialism and Self-reliance; ASP's policy is Socialism and Self-reliance.²⁵ Our Constitution is a one-party constitution

²⁴ Quotations from the original speech found in ZN GC 9/18. Excerpts from the speech are also quoted in Mohamed 1979. [Translation from the original Kiswahili by the author.]

²⁵ Karume, at best, was ambiguous about TANU's policy of '*Ujamaa na Kujitegemea*'. He hardly ever talked about it seriously. He is famously quoted to have said that 'socialism stops at Chungwani' (an off-shore island between the mainland and island coast.) Many of my Zanzibari interviewees were enamoured by this quote. It was Jumbe who began to refer to '*Ujamaa na Kujitegemea*' in his speeches, albeit in passing. For Jumbe's important speeches from 1972 to 1981 see ZN BA 69/1 to BA 69/21. It is true that there is some mention of the Arusha Declaration in volume I (pp. 22–24) of what purports to be a collection of Karume's speeches (see ASP 1973). In 1973, Jumbe formed a committee to put together Karume's thoughts. Three slim volumes were published in 1973 ostensibly putting together Karume's speeches. These volumes do not mention at all the dates and occasions at which these speeches were made. Most of Karume's speeches were extemporaneous, incoherent and rambling. It is possible that the so-called speeches in these volumes have been put together, heavily edited and perhaps even revised with the wisdom of hindsight rather than authentic reproduction of what Karume actually said. A member of the Committee admitted so much to Abdul Sheriff (personal communication).

and it stipulates that this Party whose policy is 'socialism and self-reliance' should be at the helm of state power.

I sincerely believe that we would assist our country to strengthen its Unity and the Revolution and therefore have greater possibility of helping Africa to bring about Unity and Revolution, if we merged and formed a single Party of the Revolution. Countries like ours can be unions of separate Republics, and therefore have a Government of the Union, and the Governments of different Republics, but its viability depends on having one Party of the Revolution and a common policy/politics of the Revolution. I have no doubt that in addition to all that I have said, or perhaps because of all that I have said, time has come for our parties to think seriously of dissolving themselves and instead have One New Party to build One New Tanzania. We had Zanzibar and Tanganyika; now we have Tanzania. In the past we had T.A.A., Tanganyika African Association; but since the 7th of July 1954, TAA is no more and in its place we have TANU. Historically, we had the "African Association" and the "Shirazi Association"; but since the 5th of February 1957, the "African Association" and the "Shirazi Association" are no more; in their place we have the Afro-Shirazi Party. I had the good fortune to be present in Zanzibar on that day and witness the union of these two parties.

This country of ours, Tanzania, has the precedence of two countries uniting and giving birth to One Country, and the precedence of two political parties uniting and giving birth to One Party. I am pretty sure that if we so desire, as our predecessors had desired during their time, our two parties can unite and give birth to a single Party of the Revolution, to lead a single revolutionary country.

Embedded in this speech was Nyerere's vision of one country, one state, one party and one ideology. The precedents that Nyerere cited as his leading examples are significant in that they were not simply an example of two parties uniting but the previous parties dissolving themselves and therefore dissolving their identities. Did he therefore have a similar vision, a vision of both Tanganyika and

Zanzibar losing their separate identities in the larger Tanzania? Indeed, as later developments were to show, Nyerere's vision was exactly that, a total merger of what had been two sovereign countries and states.²⁶ In his vote of thanks, Jumbe's response was ambiguous and lukewarm saying only that Mwalimu's suggestion needed to be considered carefully by the parties. On the other hand, TANU delegates attending the 17th National Conference which took place immediately after, fully endorsed Nyerere's proposal. Thus merging of parties became the proposal of TANU. One of the resolutions passed by the National Conference called upon the National Executive Committee (NEC) of the party to work out the *modus operandi* of implementing the proposal.²⁷

Jumbe spent the next four months or so meeting various organs and leaders of the ASP, including the Revolutionary Council members, explaining the TANU proposal on the merger.²⁸ On 8 February 1976, Jumbe, as the president of the ASP directed that all branches of the party, members and leaders should freely debate the proposal and give their opinion. For a whole month, there was free discussion in party branches at workplaces, in government departments, security organs and at various levels – region, district and ward – in both Unguja and Pemba. The party organs and members decided in favour of the merger by an overwhelming majority. However, there were a few dissenting voices, others sounded a counsel of caution and even those who supported the merger made suggestions on a number of issues.

²⁶ The next chapters shows how Nyerere pursued this vision and its various problems.

²⁷ Mohamed 1979: pp. 18–19.

²⁸ This and the information that follows is taken from documents found in the Zanzibar Archives including the following:

GC1/9: Kuuunganishwa kwa TANU na ASP;

GC1/15: Muhtasari Juu ya Kuunganishwa vyama ASP na TANU;

GC1/46: ASP: Ofisi ya Rais;

GC1/47: Kuunganishwa ASP na TANU;

BA66/25: Mapendekezo ya Kuunganisha Vyama vya ASP na TANU ya Wana-chama wa Chama cha Afro-Shirazi, Unguja na Pemba, Sehemu ya Kwanza.

Those who dissented feared that Zanzibar would be swallowed; that the Islands would be 'invaded' by criminal elements and that there would be likelihood of constant friction between the two governments since the Party would be supreme and therefore the ultimate authority. Various suggestions and caution revolved around the issues of:

- Zanzibar maintaining its identity and nationhood;
- Zanzibar must maintain its own separate Government, and foreign reserves;
- Movement between the islands and the mainland must be controlled.

Some branches suggested that each party should be free to secede in case of problems and there was one suggestion that there should be a referendum every five years to determine whether people wanted to continue with the Union. When asked by the author as to his opinion on the merger then, Jumbe said, "All the branches, a great number, supported the merger, all districts supported. In the National Executive of the Party, some disagreed ... I said since the majority has agreed, I agree."²⁹ When asked what his personal view was, Jumbe replied rather indifferently that he did not have a personal view, he could not decide unilaterally. Indifference perhaps was with the benefit of hindsight but certainly there is nothing to indicate that Jumbe was particularly enthusiastic about the merger. If anything, he was quite cautious and tried to ensure separation of the governments. Apparently, he had formed a committee of Zanzibaris³⁰ under Thabit Kombo to make preparations for the merger and study the constitutions of the two parties with a view to identify those matters which were agreeable to Zanzibar and those which were not. In his instructions to the Committee he specifically

²⁹ Interview with Jumbe *op. cit.*

³⁰ Its members were Thabit Kombo, Hassan Nassor Moyo, Abdulla Natepe, Rajab Kheri, Shariffa Issa, Idi P. Hassan, Ali Mzee, W. Dourado, Ali Hassan, Asia Amour and Mwanabaraka Marijani. (see GC1/47: Kuunganishwa ASP na TANU.)

underlined the importance of keeping party matters separate from government matters. He counselled that for non-union matters, the single party that would be formed would not have jurisdiction and there would be a need to form another organ at state level to oversee non-union matters in Zanzibar. The Committee would have to study different examples as to the structure of such an organ. There is nothing on record to indicate that this Committee had any input into the final make-up of the party or the Union constitutions. In his book written over 15 years after the merger and 10 years after he resigned from all party and government posts, Jumbe identifies the supremacy of TANU as the single most important breach of the Articles of Union. He asserts that the 'final *coup de grace* of TANU's ascent to the heights of political power ... came in February 1977 when the ASP and TANU merged to form the CCM, after *Zanzibaris* in their blind faith had persuaded themselves that the merger would not affect their sovereignty over internal affairs'.³¹ He goes on to state that he had begun to have 'a mounting doubt of the direction we were moving, even before the merger of ASP and TANU which was approved by over 95 per cent of all organs of the Party'.³² To be sure, there is evidence that Jumbe indeed had misgivings on the implication of the supremacy of the single party for Zanzibar's autonomy and sovereignty in non-union matters; yet he did little to make these misgivings known to his people and seek their support.³³ The overwhelming support that the *Zanzibaris* gave to the merger was not simply 'blind faith' but the historical

³¹ Jumbe 1994: p. 62.

³² Ibid.: p. 63.

³³ See, for example, his speech to the ASP National Executive made at Mkoani, Pemba on 15 June 1976 during which it was announced that ASP membership had overwhelmingly approved the merger of the parties (quoted in Jumbe 1994: p. 75). In this speech Jumbe raises some concern on the concept of party supremacy. But it was too late and somewhat hypocritical because after all it was the *Zanzibari* leaders themselves who were the forerunners in instituting party supremacy of ASP which TANU on the mainland copied. Paradoxically, Jumbe was to become victim of his own creation. In any case, the 1976 speech was too little too late. Once the decision to merge was endorsed by the majority, Nyerere skilfully took control and the matter slipped out of Jumbe's hands.

fear of the excesses committed by the Karume clique with which the party apparatus was identified. Out of naiveté or as a last resort, Jumbe believed that he could maintain Zanzibar's autonomy by separating state matters from the party. As we shall see in the next chapter, soon after the formation of one party, he tried to reverse the very trend of party supremacy in Zanzibar that he had set in motion between 1972 and 1976. He tried to disentangle the state from the party and strengthen the institutions of the state in Zanzibar. This was a futile attempt as his downfall, to be discussed in the next chapter, so dramatically illustrates.

Meanwhile, following the example set by ASP, TANU also had to follow suit and consult its branches but the debate on the mainland was more muted than, and not as widespread as, in Zanzibar. Out of some 6,389 TANU branches only six, that is, one-tenth of one per cent, opposed the merger.³⁴ In the case of Zanzibar, out of ASP's membership of 103,983, 409, that is, one-third of one per cent, opposed the merger.³⁵ Once the overwhelming majority of the two parties had accepted the merger, the party machinery moved quickly to draft a new party constitution and subsequently a new Union constitution of the United Republic. No doubt, Nyerere was in command while Jumbe does not seem to have been meaningfully consulted on major decisions.³⁶

A joint meeting of the NEC of the two parties met in October 1976, almost exactly one year after Nyerere had proposed the merger, to receive and implement the decision to merge the parties.³⁷ The joint meeting appointed a Committee of 20 people, 10 from the mainland

³⁴ GC1/47 op. cit.

³⁵ Mohamed 1979: p. 30.

³⁶ See, Jumbe 1994: pp. 63 et seq. One, it required two-thirds majority of delegates from each side of the Union to amend the party constitution. Similarly, in the Union constitution certain specified matters required two-thirds majority of members of parliament from each side of the union to amend. Secondly, the inclusion of a constitutional court in the Union constitution was Jumbe's idea. Jumbe believed that this would go some way in protecting Zanzibar's autonomy. He was proved wrong. As we shall see (Chapter Six) when the crunch came Nyerere cared little for constitutional niceties.

³⁷ Based on the information in Mohamed 1979: pp. 32 et. seq.

and 10 from the islands, to draft and propose the new constitution of the new party. Besides the veteran Shirazi and ASP leader, Thabit Kombo, the Zanzibar group significantly included Abdalla Natepe and Seif Bakari, the two 'revolutionary' hardliners. The Committee elected Thabit Kombo the chairman and Pius Msekwa the secretary of the Committee. Among other things, the Committee was tasked with drawing up a constitution which would ensure that the party was supreme and capable of holding the reigns of power.

The Committee reported back within one month as it was required to do. A joint meeting of the two top organs of the party, this time meeting in Zanzibar, endorsed the Committee's draft constitution for the new party, to be called *Chama cha Mapinduzi* (CCM) (Tanzania), or Revolutionary Party (Tanzania). The draft constitution would be finally approved by a joint meeting of the ASP Congress and TANU National Conference on January 21st and the new Party would be launched on 5 February 1977. Interestingly, between the joint meeting and the forthcoming joint meeting of the top organs, Jumbe spent considerable time meeting ASP leaders and organs in which he emphasised the need for the ASP members and Zanzibaris as a whole to understand well the draft constitution of the new party and make their suggestions so that they could be considered at the joint meeting of the party congresses. Was he soliciting Zanzibaris to intervene to make sure that Zanzibar's interests would not be submerged? If so, he certainly did not come out clearly. Jumbe tended to speak in riddles and rather diffidently. However, reading between the lines, one can say that he was groping for a new strategy which would at least ensure the independence and autonomy of the state organs of Zanzibar in spite of party merger and supremacy. Ali Mohamed, who is otherwise uncritical and applause of the merger, innocuously records the following significant event.

In its last meeting [in December 1976], the National Executive Committee of the ASP handed over to the Revolutionary Council certain functions that used to be performed by the party such as considering and approving the government budget. It also called

upon the Revolutionary Council to fulfil the promises made by ASP some of which would not be inherited by the new party in terms of its constitution.³⁸

This is pregnant with first signals that Jumbe was beginning to think in terms of separating state functions and powers from the party. It was in the same vein that he proposed two changes to the party and state constitutions (see above fn. 36). It is interesting that while Jumbe was cautioning Zanzibaris on the implication of the merger, albeit in a coded language, Nyerere was promising, equally in a coded language, that while inheriting all the good deeds of the previous parties, the new party would not repeat its predecessors' 'bad deeds'. Astute that he was, Nyerere no doubt was playing upon the anti-ASP sentiments of many Zanzibaris. Above all, Nyerere said, the merger of the parties would further consolidate the Union, which, indeed, was his primary driving force. A joint meeting of the parties approved the draft constitution of the new party, elected its first chairman, Julius Nyerere, and its First Vice-Chairman, Aboud Jumbe. CCM was formally launched on 5 February 1977, which was the 20th anniversary of the founding of ASP and the 10th anniversary of TANU's Arusha Declaration.³⁹

The constitution of CCM created a monolithic party structure organised from bottom at the level of 10 cell leaders in neighbourhoods, through party branches at village, ward, district and regional levels. Three important organs dominated the national level: the National Conference, the National Executive Committee (NEC) and the Central Committee. NEC was a powerful body composed of the chairman and vice-chairman of the party; 40 persons elected by the National Conference, 20 each from the mainland and

³⁸ Ibid.: p. 54 (translation from original Kiswahili mine).

³⁹ Paradoxically, as the delegates were arriving to merge the parties and thus further strengthen the Union, the institutions of the East African Community were falling apart. The first one to break was the East African Airways as the Kenya Government detained four EAA aircrafts ostensibly because the Airline was indebted to Kenya (see Mohamed 1979: p. 69).

Zanzibar; all members of the Central Committee; regional chairpersons and secretaries; and chairpersons and secretaries of each of the party mass organisations, that is, workers, women, youth and parents. While no doubt mainlanders dominated NEC, the number of Zanzibaris was significant enough to hold the trump card in crucial times. If they failed to use it, it was because of their own internal disunity. The Party was not only declared supreme but was given the monopoly of political and social activities. Various other traditional organisations such as trade unions, youth and women were all submerged under the Party as the party's mass organisations. Unlike the Leninist tradition, CCM was not a vanguard party but a 'mass party' which nevertheless left the masses without any organisational space.

The constitution provided for the Chairman, the Vice-Chairman, and the Executive Secretary of the Party assisted by two deputies, one to live and work in Zanzibar whilst the other on the mainland. As soon as the constitution was adopted, as expected, Nyerere was elected by acclamation the chairman of the party and Jumbe became the vice-chairman. Nyerere appointed Pius Msekwa, his erstwhile former student at the Pugu Secondary School, the first Executive Secretary of CCM. Salmin Amour, the then Secretary to the powerful Revolutionary Council, was appointed a deputy to work on the mainland while Colonel Simba to be the other Deputy. Nyerere also reshuffled his cabinet appointing Edward Sokoine to the post of Prime Minister replacing his trusted lieutenant Rashidi Kawawa who became the Minister of Defence. A number of prominent Zanzibaris, including members of the Revolutionary Council, were brought into the Union Cabinet. This included Hassan Nassor Moyo and Abdalla Natepe. While Moyo became the Home Minister, Natepe was made a minister of state in the President's Office and Colonel Seif Bakari was made a deputy minister in the Ministry of Defence under the watchful eye of Kawawa. The most significant move was to remove Brigadier Yusuf Himidi, who was then commanding the *Nyuki* Brigade of the Tanzania People's Defence Forces in Zanzibar, to Tabora to command the *Faru* Brigade. Thus Nyerere skilfully removed from the Zanzibar scene three prominent and

critical members of the 'Committee of 14' and the Karume hardliners. For the first time since the Union, a Tanzanian from the mainland, Brigadier Maki Marwa, became the commanding officer of the Zanzibar section of the armed forces. In effect, with the merger of the parties, Nyerere managed to do what he had yearned to do but could not do during Karume's reign, to integrate the armed forces fully. The celebration marking the birth of the new party was hardly over when Nyerere moved to the next major stage in consolidating the Union, the adoption of a permanent constitution of the United Republic.

THE MAKING OF THE PERMANENT UNION CONSTITUTION⁴⁰

It will be recalled that the Articles of Union had stipulated the appointment of a constitutional commission followed by a constituent assembly within one year of the signing of the Articles with a view to adopt the constitution of the Union. It did not happen and the time to do so was extended indefinitely. Legally this was done by the Union parliament passing an Act of Parliament called the Constituent Assembly Act, 1965 (No. 18) (Appendix 6). Implicitly therefore the Union parliament amended the Articles of Union and the Acts of Union. It is debatable if the Union parliament had powers to (a) amend the Articles, an international treaty, unilaterally and (b) amend the Zanzibar law, which was supposedly passed by the Zanzibar legislature to ratify the treaty. Arguably, a neater way would have been for the two heads of executive, Karume and Nyerere, the latter in his capacity as the head of 'Tanganyika', to renegotiate the treaty. But politically such a course

⁴⁰ The legal intricacies of the making of the 1977 Constitution in relation to the Articles of Union were first discussed in detail in my *The Legal Foundations of the Union* (1990). There I concluded that in spite of various infractions of the Articles of Union, the Constitution could still be considered valid, particularly if its validity were challenged in a court of law. However, I tended to underestimate the breaches of the Articles then; I now believe, as I am showing here, the breaches were very fundamental and given an appropriate balance of political forces, even a court of law could find it difficult to uphold its legal validity.

of action would have been disastrous, wrecking the union right there. Politics determined the law, as is always the case. Failure on the part of politicians to resolve the issue of party also led to another legal 'somersault' of passing a second interim *one-party* constitution while recognising two political parties. This constitution was enacted by the Union parliament as an Act of Parliament, another questionable legal ruse. In the tradition of humpty-dumpty, Section 3 of the Interim Constitution of Tanzania, 1965, declared that, 'There shall be one political Party in Tanzania' followed by an immediate exception that 'Until the union of the TANU with the ASP (which United Party shall constitute the one political Party), the Party shall, in and for Tanganyika, be the TANU and, in and for Zanzibar, be the ASP.' Law declared one-party to mean two parties!

With clearing of the political ground on the merger of the two parties, and the circumstances being more propitious than at the time of the formation of the Union, one would have expected that there would be less legal acrobatics and a more participatory process of adopting the Union constitution as envisaged by the Articles of Union. Article (vii) provides:

The President of the united Republic in agreement with the Vice-President who is head of the Executive in Zanzibar shall:-

(a) Appoint a Commission to make proposals for a Constitution for the united Republic,

(b) Summon a Constituent Assembly composed of Representatives from Tanganyika and from Zanzibar in such numbers as they may determine to meet within one year of the commencement of the union for the purpose of considering the proposals of the Commission aforesaid and to adopt a Constitution for the united Republic.

Except for the time period of one year which was extended to 'such times as shall be opportune', the rest of the provision remained.⁴¹

⁴¹ See Section 2 of the Constituent Assembly Act (No. 18 of 1965).

The logic, rationale and spirit of the provision could not be clearer. Firstly, the appointment of the Commission and the summoning of the Constituent Assembly were to be done *in agreement* with the head of Zanzibar Executive. Secondly, most likely the intention was that the Commission, composed of equal numbers from the two sides, would consult members of the public in arriving at its proposals. Thirdly, the proposals would be subjected to public discussion before they were submitted to the Constituent Assembly. Fourthly, elected Representatives would constitute the Constituent Assembly, composed of presumably equal numbers from both sides as determined by the President and the Zanzibar head of the executive. Some such process involving broad consultation of the public would have lent the Constitution a wider legitimacy. Unlike the formation of the Union in 1964, when, as some pundits have argued,⁴² the circumstances were not opportune for consultation, this time around there could not be any such excuse or justification. But the expectation and intention behind the Articles were almost totally thwarted and even the letter of law was mutilated. The making of the constitution turned out to be exclusively a party-driven process embedded in the authoritarian mode of politics.

Hardly two weeks after the launching of the new party, the Committee of 20, which had worked on the party constitution, was given the new task of making proposals for the state constitution.⁴³ The Attorney General announced that the bill for the new constitution was expected to be tabled in April 1977. The proposals prepared by the Committee were discussed by the NEC in its one-day meeting on 26 March 1977. On 30 March, the Cabinet formally accepted the proposals which were then handed over to the Attorney General's office for preparing a draft constitution. Around this time it was announced that the Constituent Assembly would be summoned on 25 April to deliberate on the draft constitution. The Government Gazette dated 18 April 1977 carried the text of the draft constitution called 'Proposals for the Constitution of the

⁴² See, for instance, interview with Haorub Othman, *Mwananchi*, 29 March 2006.

⁴³ See Mohamed 1979: pp. 84 et. seq.

United Republic of Tanzania' under the signature of the Minister of Justice dated 4 April 1977. Thus the first time the proposals became public was seven days before they were discussed by the Constituent Assembly. In practice, the public, a large majority of whom does not read the Government Gazette, became aware of the Proposals when the Executive Secretary of CCM announced them on 21 April, that is four days before the session of the Constituent Assembly. In effect, therefore, at no point the Proposals were discussed and debated by the public. The only body, which did discuss the Proposals, was the NEC of the Party whose deliberations were held in camera.

Let us see how the legal side of the making of the constitution was addressed. By a Government Notice signed by Nyerere and dated 16 March 1977 published on 25 March 1977, Nyerere appointed the Constitutional Commission in terms of Article (vii) of the Articles of Union. This commission consisted of the same 20 people who had drafted the party constitution. In effect, by the time the commission was legally appointed, that is on 25 March, the 'commission' had already completed its work on the constitutional proposals which were discussed and adopted on the 26th, that is, a day after its appointment. The formal appointment of the commission was a crude exercise in observing the Articles. By a Notice of the same date published in the same issue of the Government Gazette, Nyerere also appointed the Constituent Assembly to consider the proposals of the Constitutional Commission. The members of the Constituent Assembly were exactly the same as the members of the then Union parliament. Thus the Constituent Assembly, to all intents and purposes, was in fact the pre-existing Union parliament. The legal process that resulted in the adoption of the constitution was technically flawed and undermined both the legitimacy and legality of the permanent constitution.

Firstly, the Articles required that both the Commission and the Constituent Assembly should be appointed 'in agreement with the Vice-President who is head of the Executive in Zanzibar'. The two Notices under the signature of Nyerere do not recite that there was such an agreement. In fact, Jumbe in his book implies that he was

never consulted, let alone agreeing to the appointment of the Commission and the Assembly.⁴⁴ Secondly, the Articles stipulated that the proposals of the Commission shall be submitted to the Constituent Assembly. In this case, the proposals of the Commission were *not* submitted to the Constituent Assembly; instead they were submitted to the NEC of the Party. What was submitted to the Constituent Assembly was the proposal in the form of a draft constitution under the signature of the then Union Minister of Justice, Lady Julie Manning. Thirdly, the number of representatives in the Constituent Assembly was supposed to be agreed upon between the President and the Vice-President, which was not done. Instead, the 'representation' from 'Tanganyika' and Zanzibar was roughly in the ratio 2 to 1 which was the composition of the pre-existing Union parliament. Although the Articles did not explicitly require equal representation, the spirit would have been to have equal representation since it was two sovereign nations which had united. In addition, given the modern jurisprudence on constitution-making, the Constituent Assembly would have been a special body, whose delegates would have been elected for the purpose of making the constitution and as soon as they had done so, the Assembly would have been dissolved. This is, for example, how the Indian independence Constitution was made.⁴⁵ That model was available yet for no other reason than political expediency the makers of the 1977 Union constitution adopted in substance the Ghanaian model of converting the pre-existing national assembly into a constituent assembly, as was done in 1962 to make the Republican constitution of Tanganyika.⁴⁶ The only difference was that in the making of the Union constitution the pre-existing assembly was not converted into a constituent assembly by law, instead a constituent assembly was established whose membership was exactly the same as the previous parliament. This was done so as to comply formally – even that was an afterthought as we have seen – with the Articles.

⁴⁴ Jumbe 1994: *passim*.

⁴⁵ See Singh 1994: pp. A-18 et. seq.

⁴⁶ For a detailed discussion see generally Shivji 1990.

The whole legal procedure adopted to enact the Union constitution cannot be described in any other terms except that it was a legal subterfuge. Politically, the state constitution was an exclusively party affair, in which the people of the two parts of the Union had no say whatsoever and much less participation. The process of making the 1977 Constitution, therefore, as Jumbe rightly points out, was contrary to both the letter and spirit of the Articles of Union.⁴⁷

The Constituent Assembly met in Dar es Salaam on 25 April 1977 and in less than four hours the Constitution of the United Republic of Tanzania, 1977 was passed. One of the reasons for the deliberations being short and perfunctory was that the draft constitution had already been discussed by the party and by the members of parliament in the parliamentary committee of the party. The Hansards recorded the deliberations as if this were just another session of the parliament. The members' names, for example, carry their usual titles. Nyerere addressed the session followed by Edward Sokoine, then Prime Minister and leader of Government business in the House, introduced the draft constitution. Altogether, eight members spoke, all of them congratulating the leaders who had fulfilled the task of bringing about a permanent constitution. Only one Zanzibari, Ali Hassan Mwinyi, made a short speech again largely laudatory except he requested some clarification on one provision, which was to become significant some 15 years later. The new constitution, unlike the Articles, provided for only one vice-president. It further stipulated that the president could come from any part of the union but if the president came from one part, his vice-president must come from the other part of the Union. Mwinyi's query was that, at least theoretically, there was a possibility of **three**, not two, top leaders; in case the president came from Zanzibar, then the vice-president would be from the mainland and Zanzibar would also have its President and Chairman of the Revolutionary Council. Sokoine in his winding up speech acknowledged such a possibility but added that in that

⁴⁷ Jumbe 1994.

situation the leader of the Zanzibar government would be a member of the Union cabinet by virtue of his office as provided in Clause 16(2).

In short, the passing of the Constitution by the Constituent Assembly was a caricature and an exercise in formality at best. Introducing the proposal of the draft constitution Sokoine made this abundantly clear and even issued a veiled warning that the matter was not for any big debate. He said:

The constitution of a country is a basic law of any Nation and the body that enacts that law is undoubtedly a body with great authority. Hence this Constituent Assembly has greater authority than that of the ordinary Parliament. This Constituent assembly is at liberty either to accept or to reject these proposals.

But, Mr. Speaker, in exercising our authority we ought to be conscious of its limitations. The proposals we are about to debate are the outcome of the Party directives. We Tanzanians, in our wisdom, have determined without hesitation that the Party shall be the ultimate authority in the country. Therefore this Constituent Assembly has full powers to reject or amend these Government proposals if it feels that they are contrary to, or in conflict with, the Party directives. On the other hand, if these proposals correctly implement the Party's wishes, I beg the Assembly to accept them without a moment's hesitation. (Applause).⁴⁸

In this passage while acknowledging the supremacy of the authority of the Constituent Assembly, in my view correctly, Sokoine places the supremacy and authority of the Party over and above that of the Constituent Assembly. If so, as Jumbe correctly points out in his book,⁴⁹ this was in fundamental breach of the Articles of Union which was an agreement between two states and not parties. But then the 1977 Constitution was made by the party, and not

⁴⁸ *Majadiliano ya Bunge*, 6th Session, 25 April to 28 April, 1977, p. 11. Translation taken from Shivji 1990: pp. 61–62.

⁴⁹ Jumbe 1994: *passim*.

the people through *their* Constituent Assembly. Thus the substantive provisions of the constitution, that we examine below, unambiguously exhibit not only the supremacy of the party, CCM, but demonstrate the merger of the two parties and the establishment of one party as the single most significant and decisive moment in the loss of Zanzibar's autonomy.

MAIN FEATURES OF THE 1977 CONSTITUTION

The 1977 Union constitution derived its legal authority from the Articles of Union. But this was at best formal. Politically, it was the direct outcome of the rise of the single party, CCM, as the supreme authority which was central to the beginning of the loss of Zanzibar's autonomy and a real threat to its identity. In this respect, the constitution was in utter breach of the Articles. I will demonstrate this by examining some main features of the Constitution.

The nomenclature

The constituent parts of the Union, Tanganyika and Zanzibar, are identified by new names in the 1977 constitution, Tanzania Mainland (*Tanzania Bara*) and Tanzania Islands (*Tanzania Visiwani*). Article 94(1) defined 'Tanzania Mainland' as all that area of the United Republic which was formerly the Republic of Tanganyika and 'Tanzania Islands' as all that area that was formerly the People's Republic of Zanzibar and 'Zanzibar' shall have the same meaning as 'Tanzania Islands'. Zanzibaris resented their 'country' and identity being reduced to simply Tanzania *Visiwani*. The strength of their resentment came out openly during the 'pollution of political atmosphere' (see the next chapter). The outspoken Dourado perhaps spoke for them when he derided the notion of Tanzania *Bara* as the term was a misnomer considering that it includes Mafia, Kilwa and other off-shore islands.⁵⁰ The Fifth Constitutional Amendment of 1984 qui-

⁵⁰ Dourado 1983: pp. 92–93. Mafia and Kilwa are off-shore islands which are part of the former Tanganyika.

etly replaced 'Tanzania *Visiwani*' with 'Tanzania Zanzibar' while retaining the term 'Tanzania *Bara*' for the former Tanganyika. It went on to define 'Zanzibar' to mean the same thing as 'Tanzania Zanzibar'.⁵¹ In effect therefore, while Zanzibar retained its name, Tanganyika lost even that.

Single Party Supremacy

Article 3 in four paragraphs starkly declared virtually absolute authority and supremacy of the Party, CCM. It declared:

(1) CCM is the only Party in Tanzania and it shall exercise final authority in all matters subject to the Constitution of the Party.

(2) All political activity in Tanzania shall be conducted either by the Party itself or under its leadership and supervision.

(3) All activities of all public bodies in the United Republic shall be conducted under the leadership and supervision of the Party.

(4) The provisions of this Constitution shall be implemented subject to the ultimate authority of the Party as stipulated in sub-articles (1), (2) and (3).⁵²

These provisions went much further than the provisions of the 1975 Amendment of the Interim Constitution which installed the supremacy of the party, TANU. Other provisions of the Constitution further concretised party supremacy. Articles 54(1) and 59(1) made the National Assembly and the Revolutionary Council of Zanzibar, respectively the legislature of the Union and Zanzibar, committees of the National Conference of the Party. The respective parliaments, which are supposed to be the supreme organs of a state, were thus reduced to the status of party committees.⁵³ The

⁵¹ See The Fifth Constitutional Amendment, 1986 (No. 15 of 1984), Section 53.

⁵² Author's translation from the original Kiswahili.

⁵³ For a detailed analysis of the 'fall of parliament' and the 'rise of the party's National Executive Committee' see Mwakyembe, 1985/1986.

main role ascribed to them by the Constitution was to oversee the *implementation* of party policies by the respective Union and Zanzibar governments. Since the two governments were also formed by the party and subservient to the authority of the party, the two out of three branches of the state – the legislature and the executive – came firmly under a single authority, the party. This made nonsense of the principle of distribution of power between two legislature and two executives, which was the core of the *federal principle* underlying the Articles of Union and the basis of Zanzibar’s autonomy. Zanzibar was left with a shell of autonomy while the substance was drained away.

The Union parliament

With the centre of power shifting to the Party, the parliament lost its sovereign power and representative character. This is dramatically illustrated by its composition, which had a large number of appointed and indirectly elected members. The breakdown of the post-1977 National Assembly was as follows:

1	The Union Vice-president (<i>ex-officio</i>)	1
1	Directly elected constituency members	111
1	National members elected indirectly by the Assembly from amongst candidates nominated by mass organisations	15
1	National members from regions elected indirectly by the Assembly	25
1	Regional Commissioners (<i>ex officio</i>)	25
1	National members elected indirectly by the Zanzibar House of Representatives	32
1	National members from Zanzibar appointed by the President	20
1	National members appointed by the President from the Mainland	10
	TOTAL	239

Directly elected members constituted some 46 per cent while indirectly elected and nominated constituted 53 per cent. The composition of the Cabinet also tended to reflect this ratio.

Of the 239 members, something in the region of 55, or close to one-fourth of the house, came from Zanzibar. In terms of population, Zanzibar was no doubt overrepresented. It was to cause resentment among the mainlanders in later years. In reality, though, the overwhelming presence of Zanzibaris in the National Assembly meant for little because the powers of the National Assembly had been grossly eroded and shifted to the party. Furthermore, Zanzibaris failed to take a strong stand in the National Assembly where their contribution was minimal. In any case, the policies behind the legislation brought to the National Assembly were usually thrashed out in the party organs. Parliament was there to rubber-stamp them.

It is also true that in the national-level party organs – the National Conference, the NEC and the Central Committee – Zanzibaris had a big representation in terms of numbers. For example, the 1982 CCM constitution provided for 18-member Central Committee composed of the chairman, vice-chairman, the secretary general and 15 other members elected by NEC from among themselves. They could be from the mainland or Zanzibar. In theory, therefore, anything up to half of the Central Committee could be Zanzibaris. Yet, as later years were to show, this did not translate itself into a strong Zanzibari bloc in the interests of Zanzibar. Rather the Zanzibari bloc became a sought after group to ally with by mainland politicians in their power struggle within the party. Furthermore, during Jumbe years Nyerere was still at the helm of the party and his dominance of the party was overpowering. Jumbe said and contributed little in party meetings.⁵⁴

In respect of the law-making powers of the Union parliament, the scheme of distribution of powers under the Articles was ostensibly maintained. The Union parliament had powers to make laws applicable to Zanzibar only on Union matters. But the list of Union matters was increased to 17 from the original 11. Since appending the list of

⁵⁴ Interview Seif Shariff Hamad.

Union matters to the Interim Constitution of 1965 as a schedule, the practice developed that the Union parliament increased the list by amending the schedule without reference to the Articles of Union. The distribution of power – a central feature of any association between states based on a federal principle – between the Union and Zanzibar could be unilaterally changed by the union parliament. Expanding the list of Union matters meant constricting the autonomy of Zanzibar. Two controversial additions were made before the 1977 constitution. One was the addition of currency and finance, which has already been discussed above (see Chapter Four). The other was the addition of oil, natural gas, petroleum and petroleum products. This was done in 1968 under the Interim Constitution (Amendment) (No. 2) Act.⁵⁵ A major potential resource was thus brought under the jurisdiction of the Union Government. Today, when there is serious exploration for oil been undertaken off the shores of Zanzibar, the issue has become a bone of contention between the two parts of the union.⁵⁶ At the time, though, it hardly raised any controversy in parliament. Instead, some dissident members of parliament challenging one-party rule in Tanzania dominated the debate.

An outspoken MP, Chogga, moved an amendment calling for a permanent constitution, a multi-party democracy, elections in Zanzibar and greater integration of the Islands in the Union.⁵⁷ A number of other members supported Chogga pointing out the inconsistency in the Interim Constitution, which declared Tanzania to be a one-party state while recognising two parties, TANU and ASP.⁵⁸ They openly criticised the Zanzibar government for lack of democracy and 'sins of oppression'. Even the Zanzibari members of parliament, one MP said, voted with the Front Bench for fear of

⁵⁵ Interim Constitution (Amendment) (No. 2) Act (No. 48 of 1968).

⁵⁶ See, for instance, *African Analysis*, 29 May 1987, Issue 23, p. 8, 'Canada drills – 'in return for aid'.

⁵⁷ Majadiliano ya Bunge (Hansard), 13th Session, 9 July to 26 July, 1968, columns 2479 to 2488. Chogga and six other members of parliament were expelled from the party and the parliament only a few months later. See, generally Mwakyembe 1985/1986.

⁵⁸ See, for instance, the speech by Kaombwe, *ibid.* column 2486.

reprisals they would be subjected to by Zanzibari authorities.⁵⁹ The Second Vice-President, Rashidi Kawawa, strongly rebuked the members for failing to understand the nature of the Union. The matters raised by members were internal to Zanzibar and could not be discussed in the union parliament, he asserted. He subtly pointed out that Chogga and his supporters were being inconsistent. On the one hand, they wanted greater integration but, on the other, they were opposing the government Bill which was a step towards greater integration.⁶⁰ In this Kawawa was undoubtedly correct, yet, no Zanzibari picked on the issue. Two of them, including, Aboud Jume, who spoke concentrated on defending Zanzibar authorities against criticisms of their rule.⁶¹ None touched on the implication of the Bill for Zanzibar's autonomy. Generally, Zanzibari members of parliament contributed little in the union National Assembly. They did not understand nor cared about constitutional changes, even though legally such changes had far-reaching implications on the autonomy of the Islands. As already noted, Karume ruled without regard to law or the constitution.

Other matters added to the list were uncontroversial. These related to higher education and all those matters under the jurisdiction of the Treaty for East African Cooperation. The latter sealed Zanzibar as part of the Union in its relation to East Africa. The issue has begun to resurface as the three East African countries are currently involved in the process of forming the East African Federation.⁶² We will return to this question in the Conclusion.

The constitution provides for the amendment of any part of the constitution by two-thirds majority of the National Assembly. In Schedule I it specifies certain laws which also require two-thirds majority for amendment. Among these laws are the Acts of Union (Cap.557 of the Revised Laws 1965⁶³) which ratified the Articles of

⁵⁹ Kibuga's speech *ibid.* column 2494.

⁶⁰ See, *ibid.* columns 2527–2532, *passim*.

⁶¹ *Ibid.* column 2523–2527.

⁶² Various newspaper reports.

⁶³ Curiously, this chapter has disappeared from the 2002 Revised Edition of the Laws.

Union. This means that the union parliament could amend the Acts of Union, and therefore indirectly the Articles of Union, thereby changing the structure of the union including the distribution of power. That is exactly what it has been doing by adding to the list of Union matters. Elsewhere this author argued that the Articles of Union and the Acts of Union have the status of a constitution because they constituted the union.⁶⁴ Even the 1977 constitution was made under the authority of the Articles. Applying modern constitutional jurisprudence, which places a limit on the power of the parliament to amend the constitution, the limit being that it cannot change or alter the basic structure or essential features of a constitution, I argued that the union parliament had no powers to alter the structure of the Union, including the union matters and, therefore, the addition to the union list after the 11 matters stipulated in the Articles was invalid.⁶⁵ This position has not been directly tested in a court of law although the inclination of the High Court of Tanzania may be inferred from the case of *Mtumwa Saidi Haji & 49 Others v. The Attorney General*.⁶⁶

In that case some members of the opposition party CUF were challenging the constitutional validity of the Eleventh Constitutional Amendment⁶⁷ which abolished the system stipulated in the Articles that the President of Zanzibar would automatically be one of the vice-presidents of the union. While accepting the position put forward by this author for the first time that the Articles of Union 'are part of the constitutional law of the United Republic', the court disagreed that 'they override the Union Constitution'. The judges went further and held that just as in the case of the Constitution, the Articles too could be amended because they were a schedule to the Constitution. The 'essential features' argument was not made in the case nor addressed by the court. It is doubtful though if that argument would have made a difference in the

⁶⁴ Shivji 1990.

⁶⁵ Ibid.

⁶⁶ Civil Case No. 2 of 1995, High Court of Tanzania at Dar es Salaam, unreported.

⁶⁷ Act No. 34 of 1994.

court's position. Accepting the argument that the core provisions of the Articles, including the list of Union matters, were unalterable would be politically earthshaking; few courts in the world would be prepared to upset the fundamental political status quo. In any case, the status and meaning of the Articles did become a bone of political contention in 1983–1984 great debate which will be discussed in the next chapter.

It is also interesting to note that the court refused to accept that the changes by the Eleventh Amendment touched on any matter listed in List 2 of the second schedule requiring separate two-thirds majority of Zanzibari and two-thirds majority of mainland MPs. Even if that had been done, it is unlikely that the result would have been different.⁶⁸ Zanzibari members in the parliament hardly ever took a robust stand in the Union parliament in any case. Jumbe's hope therefore that an entrenched majority of Zanzibari bloc in the Union parliament would provide some protection to Zanzibar's autonomy was misplaced.⁶⁹ Ultimately, the relationship in the Union was determined in the close chambers of the Party not by public deliberations in the National Assembly.

The Government of Zanzibar

Except for the 11 Union matters, the Articles of Union left the jurisdiction of the Government of Zanzibar in all other matters intact. The Articles had envisaged a separate executive, a separate legislature and a separate judiciary for Zanzibar. The 1977 constitution made four fundamental inroads into this arrangement. Firstly, the Government of Zanzibar and the Revolutionary Council were established by the Union constitution although their composition and powers would be in accordance with the relevant Zanzibar law.⁷⁰ In practice, therefore, this was no fundamental departure from the existing situation but in theory, at least, it could be argued

⁶⁸ 186 voted for the Bill while 5 opposed.

⁶⁹ See Jumbe 1994: p. 63.

⁷⁰ See Chapter Four of the Union Constitution.

that the Government of Zanzibar derived its authority from the 1977 constitution. To that extent, the constitution breached the Articles. In the inaugural lecture already referred to this author argued that these provisions were superfluous because the Government of Zanzibar derived its authority from the Revolution and the subsequent laws passed by the Revolutionary Council. This position has not been directly tested in a court of law although in a controversial judgement, some 25 years later, involving the question whether Zanzibar is a state with some sovereign powers, the Court of Appeal answering in the negative did so relying wholly on the Union Constitution without any reference to the Constitution of Zanzibar.⁷¹ The extrapolation of the logic and position of this judgement could mean that the Union Constitution prevails over both the Articles of Union and the Zanzibar Constitution with far-reaching implications for the autonomy and identity of Zanzibar and, for that matter, the stability of the Union.

The second change relates to the position of the President of Zanzibar in the Union Executive. In terms of the Articles, the President of Zanzibar was automatically the First Vice-President of the Union and the principal assistant of the President of the Union in the execution of the latter's powers and functions in Union matters in Zanzibar. This was both a practical measure and an assurance to the Zanzibaris of their separate existence. The President of Zanzibar thus wore two caps, that of the executive president of Zanzibar and the vice-president of the Union. In the latter capacity, he assisted the President of the Union in Zanzibar thus obviating the necessity for the Union Government to establish separate Union institutions in Zanzibar to carry out the functions of the Union executive in Union matters in Zanzibar. The 1977 Constitution broke this link by providing for only one vice-president of the Union who would be

⁷¹ *S.M.Z. v. Machano Khamis Ali & 17 Others*, Court of Appeal at Zanzibar, Criminal Application No. 8 of 2000 (Revision from the Ruling of the High Court of Zanzibar (Tumaka, Deputy C.J.), unreported, but reproduced in Peter & Othman 2006: pp. 188–213. For a legal critique of this case see Shivji 2006a in Peter & Othman 2006: pp. 162–186.

appointed by the President. The only constitutional requirement was that where the president came from the mainland the vice-president had to be from Zanzibar and vice versa. The constitution also provided that the president of Zanzibar would be an ex-officio member of the union cabinet. At the time this did not raise eyebrows since Jumbe was appointed the vice-president of the Union. In any case, after the 'pollution of the political atmosphere' to be discussed in the next chapter, the Fifth Constitutional amendment restored the Articles system of two vice-presidents.⁷²

The third major departure was in relation to the selection of the President of Zanzibar. The procedure was that the party sub-committee responsible for Zanzibar matters nominated more than one person to stand for the 'election' of the president of Zanzibar to the NEC of the Party. The NEC then nominated one person to be voted upon by the Revolutionary Council to be the president of Zanzibar. With the adoption of the 1979 Zanzibar constitution, which for the first time provided for election of the President of Zanzibar, the procedure was changed so that the person nominated by NEC was presented to the electorate instead of the Revolutionary Council.⁷³

The fourth significant departure from the Articles was that the Zanzibar legislature, at this time, the Revolutionary Council was made a sub-committee of the Party's National Conference, just as the Union parliament was the committee of the Congress (Article 59(1)). All in all, while the Executive and the Legislature of Zanzibar maintained separate existence, they became subordinate to the single ruling party, CCM.

The Special Constitutional Court

The jurisdiction of the Special Court is to hear and determine a difference of opinion on the interpretation of the Union constitution

⁷² This lasted until 1992, when with the introduction of multi-party, once again the position was changed under which the President of Zanzibar is not the vice-president of the Union but is made a member of the Union Cabinet.

⁷³ See Act No. 1 of 1980.

between the Union Government and the Government of Zanzibar. The number of judges to be appointed is not stipulated though it is provided that half of them will be appointed by the Union Government and the other half by the Government of Zanzibar. The decision of the court is to be made by two-thirds of the judges from the mainland and two-thirds from Zanzibar. The judges do not have the usual security of tenure for the appointing authority can remove them.

The court has never been constituted. Even if it were, it is not clear how would it be operationalised and whether it would ever be able to make a decision given that a decision requires two-thirds majority from the two sides of the Union. This provision itself is ambiguous because the composition is not equal from mainland and Zanzibar. In theory, the appointees of the Union Government may well include persons from Zanzibar while appointees from Zanzibar may well include people from mainland. Thus, it is quite conceivable to have a special court whose composition is not equal between mainlanders and Zanzibaris. In short, therefore, the court is unworkable. Perhaps it was never meant to work.

CONCLUSION

Nyerere's vision of consolidating the Union was based squarely on the system of a single supreme party. The constitutional edifice was built around the party. In the circumstances, the continued existence of a separate Zanzibar Government was no protection for Zanzibar's autonomy so long as the single party continued to maintain its hegemony. The biggest victim of the party merger therefore was Zanzibar's autonomy. Jumbe's attempt to salvage Zanzibar's autonomy through law by maintaining and consolidating the institutions of Zanzibar government was valiant but ultimately an exercise in futility. Jumbe's own downfall illustrated the struggle between party supremacy and the constitutional order in which the party supremacy emerged victorious, albeit the victory proved to be fragile so far as the durability of the Union was concerned. This is the story we tell in the next chapter.

Chapter Six

CONSTITUTIONAL OPENING AND CLOSURE: JUMBE'S DOWNFALL (1979–1985)

CONSTITUTIONAL FOUNDATION

The foundation of the 1977 Constitution was the Party whose supremacy and ultimate authority pervaded the whole constitutional structure. The constitutional edifice stood on a tripod: one-party supremacy, the two-government Union and the 'imperial' presidency. Since 1962 when the republican constitution of Tanganyika adopted executive presidency, powers were increasingly concentrated in the executive on the one hand and within the executive in the president, on the other.¹ Since the chairman of the party is invariably the president of the republic, single-party supremacy further enhanced the powers of the imperial presidency. Nyerere used his 'two hats' cleverly as circumstances demanded.

In spite of his misgivings on party supremacy,² Jumbe believed that he could take advantage of the two-government structure to

¹ See, generally, articles in the 'Special Issue on the Constitution and the State in Tanzania' *Eastern Africa Law Review*, vol. 11–14, 1978–1981, and Shivji ed. 1985/1986.

² While the debate on merging of the parties was raging, Jumbe in his address to the ASP National Executive Council on 15th June 1976 made this poignant observation:

The framers of the Interim Constitution whilst contemplating that there shall ultimately be one political party by the union of the two Parties in the respective territories of Tanganyika and Zanzibar took care to provide

preserve Zanzibar's autonomy. Nyerere on the other hand banked on party supremacy to control and restrict the autonomy of Zanzibar's government. Soon after the merger, Jumbe continued his strategy to separate the organs of the government from the party. However, he had to fight his battle on two fronts: against Karume hardliners internally and the insatiable appetite of the Union to absorb Zanzibar, externally. His strategy seems to have been to separate Zanzibar government organs from the party as much as possible and democratise the government without himself losing power. He could not possibly strengthen the government organs without at the same time separating the government from the Revolutionary Council, the bastion of Karume hardliners. The result was to introduce limited democratic reforms, while at the same time centralise powers in himself as the president of Zanzibar

that the political activity of the Party was not to include the organs of the state of the United Republic and the organs of the Executive and Legislature for Zanzibar. The idea underlying this stand, which was emphasized by this provision, was that the two sovereign territories had come together on the basis of a certain understanding which provides for safeguard of mutual interests. From the point of view of Zanzibar, one of its main interests which was assured to be protected was with regard to the state organs of the Union, because they have certain functions with regard to Union matters over Zanzibar, and the sovereignty of Zanzibar in all matters other than Union matters must remain the concern of Zanzibar. The amendments carried out in June 1975 [which introduced supremacy of the Party I.G.] however, made a considerable difference to the position (of Zanzibar) because the functions of all Organs of State of the United Republic would now have to be performed under the supervision and control of the Party and all political activity in Tanzania to be conducted by or under the supervision of the Party as well as the functions of all organs of the Government and the law making process. This makes the competence of the single party with regard to political activity without any limit and may even embrace changes which may affect the essential interests of Zanzibar. This was an eventuality which all the members of the ASP acting through the Party's organs, wished to avoid at all cost. (Quoted in Jumbe 1994: p. 74-75.)

In spite of this clear understanding of the implication of party supremacy, he went along the process of merger. (For discussion, see chapter 5).

and chairman of the Revolutionary Council. This resulted ultimately in the adoption of the 1979 constitution, which was the first constitution of Zanzibar after the revolution. We examine the process of restructuring government organs in the immediate post-merger period below.

RESTRUCTURING THE GOVERNMENT

Revolutionary committees

Even before CCM was formally launched on 5th February 1977, Zanzibar enacted the Revolutionary Committees Decree No. 1 of 1977 and the Appointment of Chairmen (Amendment) Decree No. 2 of 1977. Both these decrees were geared at streamlining the administration of the government at sub-national and national levels, respectively. Decree No. 1 established revolutionary committees as administrative organs of the government at village, ward, district and regional level. The basic administrative unit was designated the 'cell' which recommended members to the village and ward revolutionary committees. Members of village revolutionary committees in turn constituted area revolutionary committees which in turn constituted district revolutionary committees which formed regional revolutionary committees. The chairmen of these committees were elected from among their membership. The committees were a kind of proto-organs of local government charged with performing various governmental functions under the overall authority of the Revolutionary Council. Besides the requirement that all members of the committees must be party members and that party organs at various levels were represented on the committees, there was no other link with the Party.

Decree No. 2 divided the Revolutionary Council into three sub-committees whose members were appointed by the chairman of the Council. The three sub-committees were for Finance and Political Affairs, Economic and Development Affairs, and Defense, Security, Law and Order. It is interesting to note that the duties of the Finance and Political Committee included controlling

'Zanzibar's foreign reserves' and 'all Party matters concerning the Revolutionary Government of Zanzibar' (Section 4A(2)(b) and (e)). Foreign reserves were a Union matter under the Union executive and did not strictly fall under Zanzibar's jurisdiction. It is perhaps also belittling of the party to subordinate 'party matters concerning the Revolutionary Government of Zanzibar' to a sub-committee of the Revolutionary Council. The Decree also reinstituted the designation of minister, junior minister and principal secretary to ministerial officers who were hitherto called chairman, deputy chairman and assistant chairman. The decree did not live long. In 1979 it was repealed and replaced by the Revolutionary Committees Decree No. 1 of 1979.

The 1979 Decree, which clearly designated revolutionary committees as local government organs (Section 2(1)), introduced three significant changes. Firstly, Section 3 expressly stipulated the supremacy of the Party and further provided, 'All the activities of the Revolutionary Committees as organs of the Government shall be carried out under the direction and supervision of the Party.' Secondly, revolutionary committees at each level (i.e., area, district and region) were to be constituted by 20 elected members and a number of others (without right to vote) who became members by virtue of their office in the defense forces, security, police and the Zanzibar paramilitary force called KMKM (see below). Thirdly, the respective party chairman and secretary at each level became chairman and secretary of the Revolutionary Committees by virtue of their office. In sum, the 1979 Decree clearly reasserted party supremacy over emerging (local) government organs unlike the 1977 Decree which was at best ambiguous.

The model of revolutionary committees closely followed the local government organs on the Mainland, which were being re-established during this period after they were abolished in 1972. The Mainland local government organs (district and urban councils) were composed of elected and appointed/ex officio members with party functionaries having strong presence.³ It is also significant

³ Max 1991: pp. 84 et. seq. and Chapter 5.

that Damian Lubuva, a mainlander with strong unionist tendencies, must have drafted the 1979 Decree. On the heels of the adoption of the 1977 Constitution, Jumbe replaced his Attorney General, Wolfgang Dourado, and sought assistance from Nyerere to fill the position.⁴ Nyerere seconded the then Deputy Attorney General Lubuva, who remained the Attorney General of Zanzibar for some six crucial years until the beginning of the 'pollution of political climate'.⁵ Lubuva tended to copy provisions from mainland legislation with a strong flavour of party supremacy unlike Dourado who was strongly Zanzibarian and was later to play a pivotal role in the 'pollution of political atmosphere'.

The Judiciary

The judicial system was also considerably modified and first steps taken to divest the Revolutionary Council of its judicial powers. A hierarchy of People's Courts at the area and district level was established and their jurisdiction clearly specified.⁶ Appeal from area courts lay to district courts and from district to High Court. The powers of the High Court to supervise subordinate courts were clearly reaffirmed. Although the personnel of these courts were still appointed by the chairman of the Revolutionary Council, the system was willy-nilly moving in the direction of, at least formally, an independent judiciary.

The jurisdiction of the Supreme Council composed of members of the Revolutionary Council was trimmed. Its appellate jurisdiction over matters from the High Court was restricted to murder,

⁴ Interview with the then Mainland Attorney General Joseph Warioba (18 November 2004) and interview with Damian Z. Lubuva (06 February 2005).

⁵ Lubuva was appointed the Attorney General of Zanzibar at the end of April 1977 while the former Attorney General Dourado was appointed the General Manager of Zanzibar Insurance Corporation. (See LN 55 of 1977 and LN 57 of 1977 respectively.) Lubuva left Zanzibar in December 1983 and was replaced by a Ghanaian called Bashir K. Swanzy.

⁶ See, generally, the People's Court (Amendment) Decree (No. 1 of 1978).

manslaughter, attempted murder and treason only.⁷ When the new constitution was adopted later in the same year, the Revolutionary Council lost all its judicial power although the Supreme Council constituted solely at the discretion of the chairman of the Revolutionary Council continued to exist.

The 'military'

As we have seen, the integration of the army was one of the biggest thorns in the flesh of the Union. For the first time Nyerere was able to move around military personnel between the islands and the mainland after the merger of the parties. Nonetheless, Zanzibar has never fully accepted to be without any armed personnel under its control. The *Kikosi Maalum cha Kuzuia Magendo* (KMKM) Decree No. 13 of 1979, established an armed force under the ubiquitous name of 'a special force to prevent sabotage'. Its functions were, among others, 'to ensure the security of the territorial waters of Zanzibar and the United Republic of Tanzania'; 'to ensure the security of the country from spies and saboteurs coming by the sea'; 'to assist in ... anti-smuggling campaigns' and such other innocuous sounding functions. In spite of the ambiguous functions and innocuous name, KMKM was and continues to be a paramilitary force contrary to the provisions of the Union constitution.⁸ The 1979 constitution continued to provide for this force.

THE 1979 ZANZIBAR CONSTITUTION

Jumbe was caught between the hard rock and the sea. After the merger of the parties, he was trying desperately to maintain the autonomy of the government of Zanzibar against the Union government, while at the same time survive against Karume hardliners.

⁷ The Supreme Council (Amendment) Decree (No. 9 of 1979).

⁸ For instance, Section 32 stipulated that the 'Chairman may, during a state of war, insurrection, hostilities or public emergency (a) call out the KMKM or any part thereof.'

Yet, he could not openly seek popular support against either because of his own insecurity and the historical association with the Karume regime. The most powerful body inherited from the Karume era was the Revolutionary Council. Jumbe owed his mandate to the Revolutionary Council, which had appointed him to the chairmanship of the Council and the presidency of Zanzibar. Even after the merger, the procedure for selecting the president of Zanzibar ultimately ended with the Revolutionary Council. The Revolutionary Council was vested with legislative, executive and judicial powers. In the amendment of the court system discussed above, Jumbe took first tentative steps to divest the Council of its judicial powers. His next task was to divest the Council of its legislative powers and to reduce its executive powers. Jumbe hit upon an ingenious idea of a house of representatives. This was the genesis of the 1979 constitution.

The Making of the Constitution

From 5th to 12th October 1979, Jumbe convened a special meeting of the Revolutionary Council to discuss the constitution of Zanzibar. According to the programme circulated by the secretary to the Council, the meeting would be opened at 9.00 a.m. on Friday, the 5th October by the chairman of the Council with a speech.⁹ This

⁹ The narration that follows is based on three very important documents which, to the best of the author's knowledge, have not before come to light. These are: the programme of the meeting issued by the secretary to the council; Jumbe's speech (Jumbe 1979a) and the draft constitution (Jumbe 1979b). The author is extremely grateful to Judge Augustino Ramadhani for sharing these documents, without which this part of the narrative would have been, at best, an educated guess, if not speculative. There is another credit to Judge Ramadhani I must place on record. In my interview with him, the judge said that he had been collecting material because he intended to write a book on the constitutional development of Zanzibar. When I requested for any relevant documents on the process of making the 1979 constitution, he promised to look up his archives. Next day the Judge personally delivered the three documents at my home. For an academic researcher this was a big scoop! In the course of our conversation the judge frankly admitted

session was open to invited guests and the media besides the members of the Revolutionary Council. The invited guests are listed as all (presumably Zanzibari) members of parliament; all (Zanzibari) members of the National Executive Committee of the party and leaders of the Government. Between 5th and 7th, for two full days, members of the Council would discuss Jumbe's speech and draft of the constitution in three committees of the Council. A legal adviser was assigned to each committee. The Attorney General, D. Z. Lubuva, would advise the Political and Finance Committee¹⁰; a High Court judge Ussi Khamis would be the legal adviser to the Economic Committee and Lt. Col. Augustino Ramadhani would be the legal adviser to the Defense and Security Committee. Most of the 'Committee of 14' were members of the Defense and Security Committee.¹¹ The Committee meetings were held in camera. On 8th the Council would reconvene in a plenary session in camera until the evening of the 12th¹² when the chairman would close the special meeting. Just as the opening session, the closing session would also be open to the invited guests and the media. According to the programme, on the 13th at 11.00 a.m. Nyerere would speak to the Revolutionary Council followed by a lunch at the State House.

that when he found these documents he had second thoughts about parting with them. He said something to this effect:

I'm perhaps the only source who has these documents. I want to do a book. Shivji is likely to come out with his book before me. So when I write, I'll be citing Shivji. Should I really share these documents? But then I told myself. This is knowledge. Who knows that I'll live to write a book?

I was overwhelmed by this level of sincerity. Few professionals would have reasoned similarly.

¹⁰ In the event Lubuva did not participate fully because he left to attend his father's funeral around 11 October 1979.

¹¹ Interview with Judge Augustino Ramadhani, 09 February 2007.

¹² It is interesting that both the opening and the closing session fell on a Friday, the Muslim holy day. This could not be accidental. By this time Jumbe had become quite religious and liked to make momentous decisions on a Friday. (Interview with Jumbe op. cit.)

Jumbe's opening speech is perhaps the best and only document indicating his thinking on Zanzibar's constitutional future. Jumbe told the author that he did not consult or inform any one of his proposal, not even Nyerere. The Karumeists on the Revolutionary Council were certainly taken by surprise.¹³ Abdulla Natepe, a member of the committee of 14, complained to Nyerere who brushed it off by a retort: if it means more democracy, then it is good.¹⁴ It is possible that Jumbe kept the details and the content of his speech close to his chest but it is unlikely that he would not have shared the broad idea with Nyerere, particularly so when Nyerere was scheduled in the programme to speak to the Revolutionary Council the very next day after the closing of the meeting. Nyerere's implicit support must have also played a significant role in pre-empting explicit resistance of the Karumeists to Jumbe's proposal. Judge Ramadhani, who was the legal adviser to the Defense and Security Committee, told the author that the hardliners seemed to have resigned to the idea.¹⁵ The only important issue raised in his committee was regarding 'terminal benefits' for members of the Revolutionary Council who might perhaps not make it back to the Council under the new arrangement.

Jumbe sought legitimacy for his constitutional proposal from the Revolutionary Council Decree No. 5 of 1964 (Appendix 2(i)) and the long-standing commitment of the ASP going back to 1960 to establish a 'government of the people, by the people and for the people.'¹⁶ He argued that it was in terms of the decree that since 1964, the Revolutionary Council had been involved in building the constitution of Zanzibar bit by bit. While exonerating the Revolutionary Council of any deliberate wrong doing, he admitted that some mistakes had been made:

We must admit that in spite of the good intentions and vision of the Party and the Government, mistakes have been made and acts unworthy of democracy and even contrary to law and justice have

¹³ Interview Ramdahani op. cit.

¹⁴ Interview Jumbe op. cit.

¹⁵ Interview op. cit.

¹⁶ Jumbe quoted the ASP memorandum which was submitted to the colonial commission headed by Hillary Blood, Jumbe 1979a: p. 6.

been committed. So we have to draw lessons. It must be understood that where such misdeeds took place, they were carried out by individual leaders or certain groups out of ignorance, incompetence or even knowingly. They did it because of their own personal reasons. Their unbecoming actions were not only against citizens but also contrary to the policies and principles of the Party, and against the stand of the Government and its directives, and against us all and their own consciences. But we all stand condemned. One of our shortcomings which made such acts possible was because we did not have a proper constitution which would genuinely protect citizens and their governmental organs as well as restrain abuse and misuse of power. One of the important means to rectify this situation is to begin to establish the Constitution of Zanzibar. Not only the Revolutionary Council would have corrected mistakes and atoned past sins, but it would have also established proper procedures for the functioning of different organs of the Government and the exercise of responsibilities by leaders. In future, then, it will not be easy to play around with power, and mistakes will be corrected in time and remedial actions taken expeditiously in accordance with the constitution and the law.¹⁷

Jumbe emphasised that the task of the Special Meeting was historical and in fulfillment of the Revolutionary Council Decree No. 5 of 1964. He outlined in some detail the procedure for deliberating the draft proposal. He underlined that there was very little that was new in the proposal. The proposal was based on the constitutions of the Party and the United Republic, and various constitutional laws passed by the Revolutionary Council. The most interesting part of the speech is the section where Jumbe outlines his conception of the process of constitution making. The process was derived from Decree No. 5 as Jumbe understood it. It deserves to be put on record:

Decree No. 5 stipulates that on the day to be appointed by the President, a constituent assembly of the people of Zanzibar shall

¹⁷ Ibid.: p. 8.

be convened. To fulfill this requirement following steps will have to be taken by the relevant organs:

- (1) The Revolutionary Council has to pass the Law to lay the Basis for the Constitution of Zanzibar. This is now being submitted to the Council for deliberation and decision;
- (2) The National Executive Committee of CCM will have to amend clause 5(12)¹⁸ [sic!] of the Party's constitution;
- (3) The Parliament will have to amend articles 57(1)(4)(5),¹⁹ 58(2)¹⁹ and 59(1)(2)²⁰ of the Constitution of the United Republic, 1977; and
- (4) The constituent assembly of the people of Zanzibar composed of the following representatives of the people will deliberate on and enact the Constitution of Zanzibar. The delegates of the assembly will be:
 - (a) All members of the Revolutionary Council,
 - (b) All members of the National Executive Committee of the Party hailing from Zanzibar,
 - (c) All members of parliament hailing from Zanzibar,
 - (d) Members of the District and Regional executive committees of the party in Zanzibar,
 - (e) Members of the District and Regional revolutionary committees,
 - (f) All ministerial committees and committees of the Revolutionary Government of Zanzibar, and
 - (g) Members of the Executive Committees of the Defense Forces hailing from Zanzibar.²¹

¹⁸ This seems to be a typographical error. The relevant clause is 59(12) which designates the whole membership of the Revolutionary Council to be a committee of the Congress of the Party whose function is to oversee the implementation of the party policies by the Council.

¹⁹ This article provides for the legislative and executive functions of the Revolutionary Council.

²⁰ This sub-article relates to the making of decisions by the Revolutionary Council in its capacity as a committee of the Party Congress.

²¹ p. 12 of the copy.

The first three steps are consequential and would have had to take place in any process but the most interesting one is the last. Jumbe did not conceive the adoption of his draft constitutional proposal as the final enactment of the constitution of Zanzibar because that would have been contrary to Decree No. 5. Jumbe goes further in his speech giving the composition of the Constituent Assembly. Decree No. 5 did not say anything on how the assembly would be set up and who would compose it. Presumably, it was left to the relevant legislative authority to pass a law to deal with these kinds of details, which is not unusual. What is technically flawed in the proposal of course is that Jumbe did not have legal powers to set out the composition of the Constituent Assembly. The idea of the constituent assembly and its composition is also not to be found in the draft constitutional law submitted to the Revolutionary Council. Consistency between the speech and the draft law would have required that the law proposed to be passed by the Council set up a constituent assembly giving its composition and related matters. Except for this, the draft law is consistent with the main points made by Jumbe in his speech as well as with the idea that the draft law was perhaps a kind of an interim constitution pending the final constitution to be enacted by a constituent assembly. One explanation for the omission of the idea of constituent assembly from the draft law could be that the draft was prepared by Jumbe himself and lacked technical advice. I shall return to this point later in the chapter. For the present, let me look at some features of Jumbe's draft constitution, to demonstrate its consistency with the position taken in the speech that the final step in the process was envisaged to be a constituent assembly.

Firstly, the title of the draft document is, 'The Law to lay the Basis for the Constitution of the Revolutionary Government of Zanzibar' and not 'The Constitution of Zanzibar'.²² It was supposed to be a law (Decree as it would be titled in Zanzibar) to be enacted by the Revolutionary Council but not the final Constitution of Zanzibar which, in Jumbe's scheme, would have been enacted by

²² Although the title on the cover page is 'A bill'.

the Constituent Assembly in terms of Decree No. 5. The draft says right at the top 'Decree of the Revolutionary Council No ... of 1979' and at the bottom there is a space for the signature of the Secretary to the Revolutionary Council. The first paragraph repeats the usual formula setting out the authority of the Chairman of the Revolutionary Council to make laws with the advice and consent of the Council in terms of the Legislative Powers Law of 1964.

Secondly, throughout, the draft refers to itself as 'this law' not 'this constitution'. The Draft does not have the usual clause which gives the formal name of a constitution. Instead, the definition chapter of the draft, Clause 79(2) defines what is called in the marginal note 'The Constitutional Laws of Zanzibar'. Clause 79(2) stipulates:

The Constitutional Laws of Zanzibar refers to what has been mentioned in article (2) of the Articles of Union of 1964 and what has been mentioned in Schedule 1 of the Constitution of the United Republic of Tanzania of 1977 **including this law.**
[Emphasis supplied]

This leaves no doubt that Jumbe saw his draft as one of the constitutional laws of Zanzibar and not the final constitution of Zanzibar. This is consistent with his conception of the making of the constitution of Zanzibar which he elaborated in his speech. According to him, Zanzibar had been involved in the process of making the constitution since the passing of Decree No. 5 and the current law was another step in that direction.

It is not clear why Jumbe should have adopted a somewhat circuitous process of making the constitution. Only he could have explained. When this author interviewed him, Jumbe firmly denied to have ever enacted the 1979 constitution. He insisted that what he had done was to pass a law establishing the House of Representatives. When I told him that there was a printed booklet called 'The Constitution of the Government of Zanzibar, 1979', he rhetorically asked me whether it bore his signature! Unfortunately, by that time, this author had not discovered the

draft constitution which was subsequently made available to him by Judge Ramadhani.²³

It is true that the thrust of Jumbe's draft is the establishment of the House of Representatives. Its main purpose was most probably to bypass the Revolutionary Council. Thus in the draft the Council is only advisory to the President/chairman and its membership is appointed by the President/chairman. Related to this is Jumbe's proposal of the method of getting the President of Zanzibar. He argued that in a country aspiring to build a democracy and whose objective is to have a government of the people, which is run by the people, the method of getting the leader of the country is exceptionally important. It cannot be gainsaid that the leader of such a country must either be elected by the people or by the representatives of the people who in turn have been elected by the people. He continued:

This is the method which is used the world over, particularly where the government claims to be democratic. Clearly, the present procedure whereby the President is appointed by the Revolutionary Council as stipulated in the Union Constitution article 57(4) and (5) and then he in turn appoints members of the Council according to article 58(1)(c) falls short of our democratic claim as propounded in section 2 of decree No. 5 of 1964. There is an inconsistency between what we promised before and emphasised immediately after the Revolution and what we have done since. So as to get rid of this shortcoming and fulfill ASP's promise and the Revolution's aspiration, we must rectify this situation. ...

In order to overcome this shortcoming, the President of Zanzibar should be elected by the people, as it happens elsewhere where the presidents and prime ministers are elected by the people and they in turn appoint their ministers and form the cabinet. This is the correct method that ought to be followed. Maybe, the other

²³ I failed, in spite of trying, to contact Aboud Jumbe again to clarify matters. In any case, I very much doubt if another interview would have yielded much since even the first interview, towards the end, was somewhat difficult on this issue because Jumbe could not comprehend my questions partly because of his age, which has reduced his power of concentration considerably.

method is for the members of the Revolutionary Council to be elected by the people and then they as representatives of the people elect the President. In this situation then the Revolutionary Council could appoint the President as is stipulated in article 57(4) and (5) of the Union constitution, 1977. Better still, both members of the Revolutionary Council and the President should be elected by the people. The law which is being proposed has taken a route different from all these three. It is being recommended that the President be elected (every five years and for not more than three terms) by the representatives of the people who have been elected by the people and then he appoints members of his Cabinet as stipulated in article 58(1) of the Union Constitution.²⁴

In sum, there is sufficient evidence to show that the draft constitutional law that Jumbe submitted to the Revolutionary Council was not conceived as the final constitution of Zanzibar but rather a step towards it. There is also evidence that the final document was put together by Jumbe himself. Certain obvious mistakes like repetitions and transfer of whole sections from the Union constitution, which are not appropriate in a Zanzibar constitution would not have been made by a legally trained draftsman.²⁵ It is very likely that Jumbe sought technical assistance for the drafting of particular sections but not the whole document. This is consistent with what Judge Lubuva told this author. He said that he had drafted the 1979 constitution piecemeal; that Jumbe would tell him what he, Jumbe, wanted and he would draft accordingly.²⁶

This author could not find a copy of the document that was finally adopted by the Revolutionary Council in the plenary at the end of the special session. But from the handwritten notes and

²⁴ Jumbe 1979a: pp. 15–16.

²⁵ For instance, the whole of chapter six which purports to establish Permanent Commission of Inquiry and the Leadership Ethics Committee is contradictory to the paragraph in parenthesis which precedes the sections stating that the two named bodies are established in accordance with the Constitution of the Republic and the Party constitution will also have jurisdiction in Zanzibar. Clearly this could not have been drafted by a technical person. The mistake was corrected in Draft II.

²⁶ Interview Lubuva.

cancellations in the original draft supplied to the author by Judge Ramadhani and contemporary notes made by Prof. Abdul Sheriff,²⁷ we surmise the following.

Firstly, the Preamble to the draft submitted to the Revolutionary Council by Jumbe (Draft I) had a single paragraph reiterating the legislative formula for the making of the Decree by the Revolutionary Council. In the draft adopted by the Council (Draft II), this paragraph was replaced by a seven paragraph preamble headed 'The Revolutionary Council's Resolution setting up the Constitution of Zanzibar'. This Preamble underlines the original aims of the Revolution to establish a socialist and self-reliant society based on the principles of democracy and equality and acknowledges the good work done by the leaders of the revolution led by the founder of the ASP Abeid Amani Karume 'whose thoughts will continue to guide the struggle against Colonialism, Capitalism, Arrogance, Humiliation and Oppression, generation after generation, and to fortify Freedom and Unity, Justice and Equality, Dignity and Humanity'. The Preamble ends with an enacting formula thus:

NOW THEREFORE:

The REVOLUTIONARY COUNCIL, in its Special Session held from 5th to 12th October, 1979, under its Chairman Ndugu Aboud Jumbe, has unanimously adopted the Constitution of the Revolutionary Government of Zanzibar of 1979, which shall be known in short as the "CONSTITUTION OF ZANZIBAR" based on the following principles:

The second most important change between Draft I and Draft II was the procedure for the election of the President of Zanzibar and the Chairman of the Revolutionary Council. Draft I had a complicated procedure. Firstly, the Central Committee's Special Committee for

²⁷ I am indebted to Abdul Sheriff for supplying me with his handwritten notes made at the time comparing the Draft submitted to the Revolutionary Council (Draft I), the Draft that was adopted by the Revolutionary Council (Draft II) and the final Constitution of Zanzibar after submission to the National Executive Committee of the Party (Draft III).

Zanzibar of the Party would recommend one name to NEC of the Party which on approval would send it to the House of Representatives. The House of Representatives would elect or reject the nominee by two-thirds majority. Draft II provided that the single name approved by the NEC would be submitted for election to the people of Zanzibar, not to the House of Representatives, and the person would be elected on receiving more than 50 per cent of the 'yes' vote. The draft finally approved by the Central Committee and eventually printed (Draft III) made a slight change by providing that at least two names would be submitted to NEC instead of one and than NEC would nominate one from those two to stand for elections. Thus while Jumbe's draft had suggested an indirect election of the President, it was the Revolutionary Council which changed it to direct election. This runs counter to the extant literature which credit Jumbe with having introduced direct elections for the presidency in Zanzibar.²⁸

Thirdly, all the three drafts vested ultimate powers in the Presidency on the lines of the Union Constitution while making the Revolutionary Council only advisory to the Chairman/President. The Council would consist of not more than 35 members including (i) the Chairman of the Revolutionary Council; (ii) all Government ministers of the Zanzibar Government and (iii) other members. All remaining 34 members of the Revolutionary Council would be appointed by the Chairman.

²⁸ See Mlimuka 1986: pp. 275 et. seq and Othman 1989. Mlimuka's is a more researched work but for the making of the 1979 constitution he relies heavily on one source identified as 'a reliable source working with the Zanzibar Revolutionary Government' (see fn. 1, p. 295). This source was most probably Justice Ramadhani. Unfortunately, none of these authors had access to the Jumbe draft and therefore they have tended to take the 1979 constitution at face value. Both these authors attribute the clause on direct presidential elections to Jumbe and then proceed to attribute either democratic (Mlimuka) or 'cynical' (Othman cites cynics' position but does not give his own!) motives to Jumbe. Nonetheless, both rightly recognise the opening up of the political space following the 1979 constitution and Jumbe's role in it, so much so, that none of the writers has noticed serious technical flaws in the making of the 1979 constitution pointed out in the text *infra*.

Fourthly, Draft I had six categories of members of the House of Representatives as follows:

All members of the Revolutionary Council, except the Chairman.
All elected members to the Union National Assembly from Zanzibar.

Two members elected from the District Revolutionary Committees.

Two members elected from the Regional Revolutionary Committees.

All Regional Secretaries (Regional Commissioners) of the Party.
Two members elected by the Regional Party Council from among the members of the National Executive Committee of the Party from that region.

Draft II added two more categories: that is, (i) representatives of the Party's mass organisations elected by the House and (ii) not more than ten members appointed by the Chairman of the Revolutionary Council and President of Zanzibar. Under Draft II members in categories (c) and (d) were to be elected by the higher body, that is, Regional Revolutionary Committees would elect two members from District Revolutionary Committee and the House itself would elect two members from the Regional Revolutionary Committees to sit in the House. Draft III changed these procedures such that the Committees themselves elected their two members to sit in the House.

The legislative process in all the three drafts adopted the same process as in the Union constitution, namely, the bills passed by the House of Representatives needed to be assented to by the President before becoming law. In sum, the most significant point is that the House of Representatives was constituted by indirectly elected and appointed/nominated members rather than directly elected unlike the President who was to be directly elected.

Fifthly, Draft I had totally omitted saying anything about the supreme council as an appellate body from the decisions of the High Court. Draft II reintroduced the Supreme Council whose

chairman and members were to be appointed by the Chairman of the Revolutionary Council and whose appellate jurisdiction was to be governed by the 1970 law, which meant, the law passed during Karume's time. Draft III had an enabling clause that the House of Representatives may pass a law providing for appeals from the High Court or the Supreme Council to the Court of Appeal of Tanzania. It seems members of the Revolutionary Council were not yet ready to leave judicial powers completely in the hands of professional judges of the High Court.

Finally, among the special departments to deal with Zanzibar affairs was included 'security'. This was dropped in Draft III. All in all, the basic structure remained in all the three drafts retaining an indirectly elected House of Representatives. Draft II and III for the first time in Zanzibar since the revolution introduced elections in the case of the President. Unlike in the case of Union president, the Special Party Committee on Zanzibar affairs was to nominate two names to NEC for the election of the President of Zanzibar.

The most important difference between the drafts lay in the conception of the constitution-making process. Jumbe's draft was geared more to attain historical and political legitimacy by providing for the making of the constitution by a constituent assembly as envisaged by Decree No. 5 of 1964. Drafts II and III both vested that power in the Revolutionary Council. Jumbe's draft had a minor flaw in that the draft did not provide how the constituent assembly would be constituted and composed. The making of the constitution by the Revolutionary Council, besides lacking in political legitimacy, had serious technical flaws. First, the constitution was adopted by the Special Session of the Revolutionary Council. Whence did the Council derive authority to make the constitution? Decree No. 5 of 1964 could not be such authority since that Decree clearly envisaged the making of the constitution by a constituent assembly. Technically, the Revolutionary Council could have passed a law converting itself into a constituent assembly as was, for example, done in Tanganyika to enact its Republican Constitution in 1962. But this was not done. So, presumably, the 1979 constitution was enacted by the Council in its ordinary legislative capacity. If so,

the constitution should have carried the usual intuiting of 'Decree' and the legislative formula in terms of the Legislative Powers Law, 1964 which was: 'IN EXERCISE of the powers conferred by the Legislative Powers Law, 1964, the Chairman of the Revolutionary Council by and with the advice and consent of the Revolutionary Council hereby makes the following Decree: and at the end should have appended the signature of the Secretary of the Revolutionary Council.'²⁹ These features are absent.³⁰ The text of the constitution was formally published in the Government Gazette almost a year later on 20th December 1980 (i.e. after the election of the President) as an afterthought under the signature of the Attorney General D.Z. Lubuva³¹ although the booklet had already been printed by the Government Printer and disseminated in 1979.³² The other flaw is that the Draft passed by the Council was changed by the Central Committee of the Party. The Central Committee of the Party did not have such authority under the existing laws of Zanzibar (or for that matter under the Union laws).

In spite of serious questions on the legal validity and political legitimacy of the making of the 1979 Constitution, in the Zanzibar context, to have a constitution was an important step forward in the process of democratisation. The 1980 presidential election in Zanzibar was the first of its kind since the revolution when Karume had asserted that there would not be elections in Zanzibar in 50 years. Jumbe was elected to the Presidency with an impressive overall vote of 93.65 per cent, with 92.97 per cent in Pemba and 94.12 per cent in

²⁹ See, for instance, the decree passed in July 1979, 'A Decree to amend the People's Courts Decree, 1979' (No. 8 of 1979).

³⁰ In that sense Jumbe's denial to have enacted the 1979 constitution and his rhetorical question to the author 'did I sign it?' makes some sense but then he was elected under that constitution and took his presidential oath under it. (Judge Ramadhani, who was then the Chief Justice, and who swore in Jumbe after the 1980 elections, confirmed this to the author.)

³¹ See L.N. 26 of 1980 published in the Zanzibar-Tanzania Gazette, VI, LXXXIX No. 5242 of 20 December, 1980. Publication of any law passed in the Government Gazette is a legal requirement.

³² See the cover of the 1979 Constitution.

Unguja. Although the constitution closely followed the Union constitution based on an executive, all-powerful 'imperial' presidency, party supremacy and two-government Union, the most important achievement was to put an end to the tyrannical rule of the Revolutionary Council, both formally and in practice. Jumbe successfully rendered the Revolutionary Council impotent retaining only 12 of the former 35 members.³³ True, the constitution gave him enormous powers and Jumbe was not above flaunting them, yet he could not control the democratic opening that he had set in motion. The younger bureaucrats whom he had educated and brought into his cabinet became increasingly vocal and critical of Jumbe's rule.³⁴ Even the indirectly elected House of Representatives began to flex muscles. For example, it openly discussed Jumbe's extravaganzas in buying an executive jet.³⁵ The historical irony of all is that Jumbe who had been instrumental in bringing about the merger of the parties and therefore the consolidation of the Union while at the same time opening up political space on the Islands, fell victim to his own creations. The (two-government) Union and (one-party) democracy ultimately devoured him. This is the subject matter of our next section.

THE DOWNFALL OF ABOUD JUMBE

The crisis years (1981–1985)

The early 1980s was the period of deep economic and political crisis in the country since independence.³⁶ The 1978 war against the Ugandan dictator Idi Amin who had invaded and occupied part of Tanzania drained the country's treasury of its precious foreign reserves. Initial promises by the West to help the war effort

³³ Mlimuka 1986: p. 276.

³⁴ One of them Muhammad Mzale gives an interesting critical assessment of Jumbe in his paper on the 25th Anniversary of the Zanzibar Revolution, see Mzale 1989.

³⁵ Mlimuka 1986: p. 282.

³⁶ There is a lot of literature on the state of the economy during this period but see, generally, essays in Campbell, H. & Howard Stein (eds.), 1991, and Lipumba, N.H.I. et al (eds), 1984.

financially did not materialise resulting in the country shouldering the war expense almost single handedly to the tune of some US\$ 500 million. Coming in the wake of the break-up of the East African Community in 1977 and the rising prices of oil, the war was the last straw that broke the camel's back. The economy plunged into a deep recession. The GDP growth rate between 1981 and 1985 was less than one per cent while per capita incomes fell drastically. Food shortages affecting particularly the middle strata and the lower classes became widespread. Basic consumer goods virtually disappeared from shelves. The clever from the trading classes in concert with politicians indulged in an orgy of enriching themselves through the looting of public resources. Racketeering, embezzlement, corruption and smuggling became rampant. Edward Sokoine, a no-nonsense prime minister, tried to reassert the authority of the state by passing the draconian law called Anti-Economic Sabotage Act but to no avail because by then the political system, including even its populist leader (Nyerere), had begun to lose legitimacy.³⁷

The Zanzibar economy fared no better. The foreign reserve accumulated during Karume years was used lavishly during the first few years of Jumbe's rule, partly to relieve hardship like food shortages and partly extravagantly.³⁸ Although Jumbe introduced some rationality in the management of the economy with the help of young technocrats brought into the government consciously by him, the general adverse trends in the international market did not lend him a hand. The production of Zanzibar's main export crop, cloves, fell from an annual average of 9,314 tons during 1975–1977

³⁷ Shivji 1991 in Cambell & Stein 1991: pp. 67–85.

³⁸ Jumbe's extravagant spending is often illustrated by his decision to buy an executive jet for the president. While, to some extent, this is justified given the state of the economy at the time, it is often overplayed by adversaries particularly when account is taken of the fact that unlike Karume, Jumbe did not flinch in spending foreign exchange to relieve food shortages. For example, whereas imports of main food crops (including the staple foods of Zanzibaris, rice, wheat flour and sugar) were around 37,100 tons per annum during 1977–1979, it was 46,400 tons during the crisis years, 1980–1982, a rise of some 25 per cent. (For figures see Haji, Juma D. (Juma Duni) 1984.

to some 5,186 during 1979–1982, a dramatic fall of almost 45 per cent.³⁹ Real per capita income fell from an annual average of Sh.1288 during 1975–1977 to Shs. 927 during 1980–1982, a fall of some 28 per cent. For the first time after Karume when Zanzibar did not have any debts, the country began to seek foreign commercial loans and aid.⁴⁰ At the Symposium to commemorate 20 years of the revolution organised in Zanzibar, where a number of young technocrats ('Young Turks?') in Jumbe's cabinet presented papers, there was a disguised grievance against the Union and veiled accusations that the deterioration in Zanzibar's economy was, at least partly, due to the Union. Aid-thirsty bureaucrats asserted that the Union government ignored Zanzibar's interests when it came to seeking foreign aid and projects.⁴¹ Anti-Union ramblings were very much on the horizon.

Idi Amin was chased out of Uganda and Nyerere put together a coalition of Ugandan groups to take over the reins of government while the Tanzanian army continued to remain on the Ugandan

³⁹ Shao, I. F., 1984: p. 15. I have deliberately ignored the unusually low production in 1978 (769 tons) and a quick rise to 12,411 tons in 1979 so as to avoid the distorting effects of these unusual years.

⁴⁰ See, generally, Kiondo, & L.E.Y. Mbogoni, 1984. Karume said: 'We are not indebted to anybody because borrowing is a sin to be avoided at all costs. Man should not accept indebtedness.' Quoted in Kiondo & Mbogoni *ibid.*: p. 4. As the authors point out, Karume might also have been suspicious of donors' motives. It is also true that Karume could afford to spurn aid because of the healthy foreign exchange situation which Karume doggedly maintained even when Zanzibaris were suffering from food shortages.

⁴¹ Based on the author's recollection of the discussions at the Symposium. See also the papers presented by Juma Duni *op. cit.* (who was at the time an assistant minister of planning) and Muhammad Mzale who was an assistant minister of education. The Symposium was interesting in that it was the first of its kind to discuss freely Zanzibar and Union issues illustrating the 'opening up' of Zanzibari society by Jumbe; as well as the accumulated grievances against the Union given expression by the young educated technocrats (the 'young Turks') who later proved to be instrumental in Jumbe's downfall. The Symposium was taking place during the period which only a few days later came to be characterized as 'pollution of the political atmosphere' by the National Executive Committee of the Party.

soil.⁴² Nyerere promised that the economy would recover within eighteen months and proceeded to postpone his stepping down in 1980 because he could not possibly leave the reins of power in a crisis situation. The IMF tightened screws and intensified conditionality to bail out the economy. Negotiations for a standby credit became ever more protracted as the IMF wanted to exact its pound of flesh. The economic crisis increasingly translated into the crisis of political legitimacy. In 1982 some army men together with some civilians attempted a coup which almost succeeded. Meanwhile, voices both within and without the ruling CCM began to express their dissatisfaction with the one-party authoritarian rule. Nyerere was astute enough to read the signs on the wall. He covertly and overtly encouraged limited debates on democratising the one-party political structures. It was in the midst of this crisis that the Party adopted its 1981 *Mwongozo* (Guidelines).⁴³ Unlike its predecessor, the 1971 *Mwongozo*,⁴⁴ which had sparked off a wave of workers' strikes against their arrogant and oppressive management, the 1981 one, was sober, analytical and emphasised on the need to broaden the scope of democracy both in the party and in the institutions of the state.⁴⁵ It was a last-ditch attempt to regain legitimacy. As a process of implementing the 1981 Guidelines, the National Executive Committee of the Party issued 'Proposals for the Amendment of the Union Constitution' in January 1983, the objective being to broaden democracy and consolidate the Union. Contrary to its past practice, the Party this time around invited a public debate on its proposals. The public debate that ensued for the next eight months was unprecedented in the constitutional history of the country. The core of the debate revolved around two major issues – democratisation of political life and the nature of the

⁴² Avirgan, Tony & Martha Honey 1982.

⁴³ Chama cha Mapinduzi, *Mwongozo wa CCM* (1981).

⁴⁴ TANU, *Mwongozo wa TANU*, 1971.

⁴⁵ The 1971 *Mwongozo*, among other things, denounced arrogant and oppressive management style which the workers used as their rallying cry to give vent to their grievances against the bureaucratic class. See Shivji 1975: Part V.

Union. In Zanzibar the major issue was the question of the Union which eventually led to the Party intervening in a dramatic fashion to stop the debate on the grounds that it had led to the 'pollution of the political atmosphere'. We discuss this in the next section.

The crisis of the Union (1983–1984)

The 1979 constitution helped Jumbe to trim the powers of the Revolutionary Council but the Zanzibar polity remained firmly anchored in the authority of the supreme party, CCM, under the leadership of Nyerere. The constitutional autonomy of the Zanzibar government was more apparent than real since it was subject to the supremacy of the Party. Jumbe became increasingly conscious of this fundamental limitation on the exercise of his powers. In effect, he realised that he had traded off Zanzibar's autonomy to gain freedom from the Karumeists in the Revolutionary Council. Ironically, in his effort to expand his latitude of action vis-à-vis the Party he found common cause with the Karumeists. At the same time, the 'young turks' around Seif Shariff Hamad, who had been brought into the government by Jumbe, found themselves at loggerheads both with the Karume hardliners and Jumbe fearing that the latter was more inclined to accumulating power and leaning on the Karumeists. In the 1980 reshuffle of the Revolutionary Council, Jumbe dropped Hamad from the Cabinet. By that time, Nyerere had spotted him. He brought Hamad to the mainland and eventually nominated him to NEC and the Central Committee of the Party.⁴⁶ In the next few years, Hamad rose to prominence in the party ranks. Jumbe's loss was Nyerere's gain.

Zanzibar's power elite fractured between the so-called 'liberators' being Karumeist hardliners and the 'frontliners' being the 'young turks' around Hamad. Jumbe found himself caught in between. He began to lean more and more on the Karumeists in his struggle with Nyerere who cleverly used the Hamad faction to rein

⁴⁶ Interview with Seif Shariff Hamad op. cit.

in on the Karumeists.⁴⁷ Matters came to a head in the 1983–1984 political turmoil in Zanzibar dubbed the ‘pollution of political atmosphere’. For the first time in the 20-year history of the Union and only three years after the permanent Union constitution, anti-Union sentiments began to be expressed openly from virtually the whole spectrum of Zanzibar society, the common bond being Zanzibari nationalism often expressed in narrow cultural terms.

During the course of preparing the Party’s programme, the Revolutionary Council, supported by the House of Representatives, presented its position paper in support of a three government federation, to the Programme Committee.⁴⁸ Hamad was one of the members of the committee chaired by the party stalwart Peter Siyowelwa. The Committee took the view that it was incompetent to consider the paper and therefore the SMZ proposals were forwarded to the higher body, the National Executive Committee. Aboud Talib, a junior minister in the Government of Zanzibar, presented the proposals. According to the Hamad version, instead of building the argument, Aboud Talib took to maligning the Union which offended members of NEC, including some Zanzibaris. Many were surprised that Jumbe, a devotee of the Union, gave the critics of Talib a dressing down. Narrating this incidence in building his case against Jumbe during the NEC meeting (see below), Hamad concluded thus:

Instead of presenting the paper and building an argument, Ndugu Aboud undermined and ridiculed the Union. Members would remember what Ndudgu Aboud said and I quote, ‘The Union has been of no benefit whatsoever to Zanzibar.’ Ndugu

⁴⁷ Both Seif Shariff Hamad and Khatibu Hasan, one of his allies, told me in the interviews that their group often criticized Jumbe in Party forums for his dictatorial tendencies. Kahatibu Hasan even opposed Jumbe’s nomination to the presidency of Zanzibar in 1980. (Interview with Khatibu Hasan 15 February 2007.)

⁴⁸ The Aboud Talib incidence has been put together from a discussion Paper for the House of Representatives to discuss the Party proposals prepared by Ussi K. Haji, secretary to the Revolutionary Council [ZA: AK 8 5/4], and the Minutes of the Special Meeting of NEC held in Dodoma from 24 January 1984 to 30 January 1984 (CCM 1984: ‘NEC minutes’).

Aboud's stand resulted in heated exchanges at the meeting. A number of members from Zanzibar scorned Ndugu Aboud. To everyone's surprise, when the Vice-chairman Ndugu Aboud Jumbe rose to speak he defended Ndugu Aboud and snubbed those who had criticized Ndugu Aboud Talib. The Vice-chairman's stand embarrassed all of us in the meeting. We had expected to get further clarifications on the position of the Revolutionary Council's paper. But the vice-chair defended the person who had besmirched the Union! And this defender [of Aboud Talib] is a devotee of the Union! At that time, we did not understand the real motives of the Revolutionary Government of Zanzibar.⁴⁹

The meeting was disrupted and the paper was not discussed. Following the incident, Jumbe wrote a long letter to Nyerere expressing his disappointment and dissatisfaction that the paper was not discussed. Nyerere replied saying that members were disgusted at the way Talib had presented the paper and that was the reason why it was not discussed. Nyerere apparently did not touch on the contents. Since Jumbe did not reply, Nyerere said he took it that the issue was over, another example of Nyerere's sophistry to shove the Zanzibar question under the carpet.

It seems the Talib incidence was a decisive point turning Jumbe away from the Party. He was convinced that he would not get a fair hearing on the Zanzibar question in the Party chambers. Believing, perhaps naively, that matters of government were governed by the Constitution and not the Party, he turned to constitutional lawyers to prepare his case. Jumbe invited Bashir Swanzi, a Ghanaian lawyer, to Zanzibar and appointed him Attorney General as Lubuva was gracefully relieved of his duties. Jumbe knew Swanzi from the old days of struggle for independence when Nkrumah had sent Swanzi to Zanzibar to help defend a number of ASP members who had been charged with serious offences after the June 1961 riots. Closeted in the State House, Swanzi, perhaps with some assistance from Dourado, prepared a long document entitled, 'The Case

⁴⁹ NEC minutes op. cit.: p. 58.

which the Revolutionary Government of Zanzibar has against the Executive of the United Republic of Tanzania and the Government of Tanganyika'.⁵⁰ Nyerere held this document against Jumbe during the NEC meeting leading to his resignation. It stands a scrutiny.

Zanzibar's case for three governments

The contents of the document have never been made public. In public consciousness, the document is perceived as some kind of a 'charge sheet', prepared by Jumbe against the Union with the help of a foreign lawyer and the erstwhile agitator Wolfgang Dourado. This is how it was presented to the public by Nyerere and his party functionaries. In the interview with the author, Jumbe characterised the document as a long letter from the Vice-President to the President prepared by Jumbe himself with the help of Swanzi. From the legal standpoint, the document comes close to what lawyers would call a 'demand letter', which is the first step in a civil litigation before filing formal papers in a court of law. The last paragraph in the document is clearly in the form of a demand:

156. PLEASE TAKE NOTICE, and notice is hereby formally given, that unless the above-mentioned claim is amicably settled, and unless the Constitutional commission as suggested above is appointed within a reasonable period of time the Revolutionary Government of Zanzibar intends to invoke the jurisdiction of the Special Constitutional Court as provided by and under the Constitution of the United Republic of Tanzania, 1977.

While the constitution provided for a Special Constitutional Court, it did not stipulate any procedure for invoking the Court's jurisdiction. Under the circumstances, a 'demand letter' is a reasonable means for setting the legal process in motion. Even before the document came to light, Jumbe in his speech at the twentieth

⁵⁰ I am indebted to Ismail Jussa for making a copy available to me. (hereinafter referred to as 'the document'.) Anon 1983?.

anniversary of the revolution, had stated publicly that he was aware that Zanzibaris had expressed dissatisfaction with the Union and that they need not worry because the Constitution provided the means for resolving constitutional differences.⁵¹ Although the document is over 100 printed pages, the thrust of the position taken by the authors, which was in effect Jumbe's position, may be summarised in two major points.

Firstly, the Articles of Union, which is the constituent document of the Union, provided for three governments and that the political association envisaged was a federation. As an interim measure, pending the appointment of a constitutional commission and the adoption of a Union constitution, the affairs of Tanganyika were placed in the Executive and the Legislature of the Union and that the pre-existing constitution of the Republic of Tanganyika would be modified to govern the Union during the interim period. The Articles did not dissolve Tanganyika nor abrogate the Constitution of Tanganyika. It was Act (No. 22 of 1964) of the Tanganyika Parliament ratifying the Articles which abrogated the Constitution of Tanganyika.⁵² This was contrary to the Articles.

The authors then buttress their position logically by arguing that the affairs of Tanganyika could not possibly be placed in the hands of the Union government if Tanganyika did not exist! They accuse the Union authorities, in particular Tanganyika leaders, of surreptitiously abolishing the Tanganyika government and making

⁵¹ Nyerere was present at the meeting. Contrary to his past practice, which was not to speak at the anniversaries of the revolution, Nyerere stood up and spoke without being invited. He castigated all those trying to bring disturbance and warned of stern action against them. Jumbe did not reply. (Jumbe interview) This is the only speech by Jumbe at anniversaries which I could not find at the archives; a recording of the speech could not be traced at the studios of Radio Zanzibar either.

⁵² See Section 7 of the Act. (Appendix 4)

permanent what was intended to be an interim measure by the Articles. Furthermore, the Articles provided that within a year a constitutional commission followed by a constituent assembly would be formed to put in place a permanent constitution of the Union. This was not done; instead the Union president and parliament unilaterally extended the period indefinitely without consulting the vice-president of the Union and the president of Zanzibar. Indeed, there is no evidence that Zanzibari authorities were consulted on the extension of time, but the Act extending the time was passed by the Union parliament, which had very significant representation from Zanzibar, yet, they did not raise any objection. At the time, Karume cared little about the legalese and his people in the Union parliament dare not take position without his consent.

The document goes on to assert that a constitutional commission was never appointed to adopt the 1977 constitution and therefore demands that such a commission be appointed within reasonable time. As we have seen, technically, the constitutional commission was actually appointed (see above). It appears that the authors of the document were not aware of this.

Secondly, the document argues that the insertion of a single political party in the Interim Constitution of 1965 and reproducing the constitution of TANU as a schedule to the constitution was contrary to the Articles. The authors argue that the Union was a result of an international treaty between governments and not political parties. There could be no justification for subjecting government organs to a political party, and the political party of one part of the Union, at that. The authors make a powerful argument that even though the section installing the one-party system recognised the existence of two parties (TANU and ASP) until such time as the two parties would merge, Section 3(3) made it clear that the activities of the state organs of the Union and Zanzibar were not subject to the Party.⁵³ In spite of this provision, the Union parliament con-

⁵³ Section 3(3) provides:

All political activity in Tanzania, other than that of the organs of State of the United Republic, the organs of the Executive and Legislature for

tinued to enact laws bestowing special privileges on the NEC of the party. Finally, in 1975, even before the merger of the parties, the supremacy of the party was entrenched in the constitution in unambiguous terms. Section 3(3) was repealed and replaced by two subsections giving the Party the monopoly of all political activity and that, 'the functions of all the organs of the State of the United Republic shall be performed under the auspices of the Party'.⁵⁴ The authors apologetically lament:

Although many were suspicious of the motives behind the amendment, the wording of the amendment was so cleverly accomplished that many in Zanzibar believed that it did not affect the fundamental rights Zanzibar had acquired under the Articles of Union, 1964. Some Zanzibaris also argued that the amendment affected only the organs of the United Republic, and that it could not affect the Executive and Legislature of Zanzibar. They were convinced that Mwalimu Nyerere would not do anything which could adversely affect the sovereignty of Zanzibar in non-union matters, as agreed upon under the Articles of Union.⁵⁵

The truth is that the above passage reflects what Jumbe thought and felt rather than 'many in Zanzibar'. Smarting under ASP's tyrannical rule, Zanzibaris had no reason to mull over the loss of 'their' party. Once the parties merged and the 1977 constitution of the Union was adopted, the supremacy of the party became absolute without any qualification. As we have seen, in spite of some misgivings, Jumbe went along – even actively – with the idea of the merger. Anyone could have seen that the merger of the parties and the formation of one party would have a major impact on the political autonomy of Zanzibar, notwithstanding the fact that

Zanzibar, or such local government authorities as may be established by or under a law of the appropriate legislative authority, shall be conducted by or under the auspices of the Party.

⁵⁴ See Interim Constitution of Tanzania (Amendment) Act, 1975, No. ?.

⁵⁵ Para 99, p. 172.

Zanzibar continued to have its own government. The document again indulges in defensive apologia on this score.

In February 1977 the ASP and TANU merged to form the CCM after Zanzibaris had persuaded themselves that the merger would not affect their sovereignty over internal affairs. ... But sooner than later it became clear to the people of Zanzibar that the new constitution contained provisions which posed a threat to the sovereignty of Zanzibar, and the continued existence of the Union between the two sovereign states of Tanganyika and Zanzibar.⁵⁶

In sum, the argument of the document is that the abolishing of the Tanganyika government was not so much an act of magnanimity on the part of the 'bigger partner' to surrender its sovereignty but rather the means by which 'Tanganyika' became 'Tanzania'. Similarly, the supremacy of CCM was nothing but the supremacy of the former TANU over the Union, which in effect rendered the autonomy of Zanzibar an empty shell. In effect, therefore, short of three governments as envisaged by the Articles, the two-Union government resulted in the domination of Zanzibar even in non-Union matters.

The Zanzibari elite in writing and at seminars called to discuss the NEC proposals repeated in different form and with different nuances the arguments of the document. Permanent secretaries wrote a long paper on the issue in their private capacity. Wolfgang Dourado, in his characteristic pungent style, presented a paper at the Tanganyika Law Society seminar held to discuss the Party proposals.⁵⁷ The speakers at the NEC meeting vehemently castigated this paper. The Zanzibar government gathered the views expressed by citizens in the media and published them as 'people's views' which was presented to the members of the House of Representatives. A member of the House even brought a private

⁵⁶ Ibid.: para. 103, p. 73.

⁵⁷ Dourado 1983.

motion in an attempt to raise the issue of three governments in the House. The Zanzibar radio openly aired the so-called *kiboroto* tapes which were an open and scathing attack on the Union. In all this Jumbe remained behind the scenes, but, such public discussion could not possibly have taken place without his tacit encouragement. The 'political atmosphere' was polluted. Soon after Jumbe's anniversary speech, in which he had raised the possibility of a constitutional case, Nyerere convened a special meeting of the Party's Central Committee on 16–17 January 1984 to discuss 'political turmoil' in Zanzibar. The Central Committee discussed the issues but did not arrive at any conclusions nor did it make recommendations to NEC contrary to its past practice. Instead, a special meeting of NEC was called in Dodoma on 24th January 1984 to discuss the so-called 'pollution of political atmosphere' in Zanzibar and decide on how to handle and resolve it. This NEC meeting was one of the most difficult moments in the political life of Nyerere, as he admitted himself. The minutes of the meeting read like a trial in the medieval Star Chamber. In the dock were Aboud Jumbe and his Chief Minister Ramadhani Haji Faki while the main 'accusers' were a small group of 'young' Zanzibaris, led by Seif Sheriff Hamad, including Hamad Rashid, Shabaan Mloo and Khatibu Hasan. At the time, NEC had a membership of some 170 persons, with one-fourth being from Zanzibar. The meeting lasted for seven days. Fourteen members spoke of which only four were from the mainland and their contributions were short and insubstantial. Next we look more closely at the deliberations of NEC.

Jumbe on 'trial'

Rashidi Kawawa, the erstwhile Secretary General of the Party, opened the special meeting with a summary of six points from the Central Committee on the political situation in Zanzibar. *Firstly*, there were people who had been propagating that the exercise to amend the constitution was a stratagem to swallow Zanzibar and Zanzibaris had begun to believe this propaganda. And on mainland

there were people who believed that because of the fear of being swallowed, Zanzibar was preparing to break the Union. *Secondly*, there was a view that the Revolutionary Government of Zanzibar was opposed to the supremacy of the Party which position was contrary to the constitution of the CCM, the constitution of the Republic and the constitution of the Government of Zanzibar.

Thirdly, some persons close to the Zanzibar government had openly challenged the Union, ridiculed the basis of the country's national unity and had scorned the policy of Ujamaa. Worse, these treasonous statements had not been officially denied and the people concerned had not been reprimanded. *Fourthly*, the activities of these 'enemies' had raised concern not only in the country but even overseas and some of 'our' international friends were worried about the future of the nation. *Fifthly*, it was clear that such a situation could endanger the security of the country. Indeed, during the twentieth anniversary of the revolution there was a rumour that Zanzibar's security was threatened. The situation was brought under control but 'political turmoil', combined with the bad economic situation, could give the 'enemies' of the country an opportunity to disrupt stability.

The first to take the floor was Seif Shariff Hamad who spoke at great length concentrating his attack on the Zanzibar government and in effect holding Jumbe personally responsible for the 'pollution of political atmosphere' on the Islands. Hamad focused on demonstrating that Jumbe instigated and encouraged the so-called debate on the Islands questioning the legitimacy of the Union; ridiculing the supremacy of the Party and propagating three governments. He went on to cite various incidences to prove his point. He argued that the Zanzibar government had acted contrary to the procedures laid down by NEC for coordinating the debate on its proposals. He ended his blistering attack in the language of a prosecutor:

Ndugu Chairman, these actions are contrary to our [the Nation's]

⁵⁸ NEC Minutes op. cit.: p. 68.

vision and objectives. Indeed, they endanger our security. In other words, they are treasonous. I pray the National Executive Committee to consider carefully the allegations and all those found responsible should be punished by this meeting.⁵⁸

Most of other Zanzibaris,⁵⁹ who spoke, with the exception of Seif Bakari, took anti-Jumbe position or at best remained conveniently ambiguous. The erstwhile Karumeist, Seif Bakari, made an incoherent short intervention taking the position that he had always opposed the merger of the parties (not the Union) and had warned Jumbe against it.⁶⁰ He ended by urging the leaders to sit together and resolve the issue. Shaban Mlool, the only other person who had a long intervention, and one of Hamad's veteran supporters, attacked Jumbe by name without mincing words. Mlool's position was that since 1980, Jumbe's position in the party had become tenuous as he had lost substantial power. This was the basis for Jumbe's opposition to the Union and the party.

On the fifth day, Jumbe was given an opportunity to reply. Jumbe spoke for almost three hours from prepared notes.⁶¹ He briefly traced how he joined the ASP and eventually the revolution emphasising that in his life he was not moved by personal ambition but rather by service to the public. He identified four sources of the political problem regarding the Union. *Firstly*, the difference of opinion on the nature of the Union; he was of the view that a true federation of three governments had been envisaged/established by the Articles. In this his position differed from that of Nyerere. The refusal to discuss this openly and arrive at an understanding was one of the sources of misunderstandings. *Secondly*, the refusal to discuss the meaning and implementation of the

⁵⁹ This included such prominent Zanzibari/CCM personalities as Ali Ameir, Hassan Nassoro Moyo, Adam Mwakanjuki, Khamis Darwesh and of course the Chief Minister, Ramadhani Faki, who was also under attack.

⁶⁰ Ibid.: pp. 69–70.

⁶¹ Interview op. cit.

Articles of Union, which in his opinion was the 'birth certificate' of the Union, was another source of confusion:

We insist on discussing the Union superficially without touching on the Articles. Why shouldn't we discuss the Articles of Union? This is the formal document which was signed by the presidents of Tanganyika and Zanzibar. This is the document which lends legality to the Union and which is the fundamental basis and source of the Constitution. But it has become a sin to mention the Articles of Union. Why? The source of confusion is the refusal to discuss the Articles of Union Let's lift the taboo from the Articles of Union. This is the document of the Union's birth – Birth Certificate of the Union. But it cannot be discussed.⁶²

Thirdly, Jumbe indicated that there was dissatisfaction, even during Karume's time, with the way the constitution was amended to include TANU's constitution as a schedule while ASP's was not. He reasserted his position that the fact that Tanganyika handed over its affairs to the Union did not mean that Tanganyika had ceased to exist. This was only an interim measure.

Finally, Jumbe argued, the treatment accorded to the Revolutionary Council's paper on the proposed amendments to the constitution was both disappointing and inappropriate. The constitution of Tanzania had been amended several times; the initiative had always come from the Mainland. This was the first time that the Zanzibaris brought their proposal and it was rejected out of hand. This was wrong. NEC ought to have discussed Zanzibar's position before the debate was opened up to the public.

Then Jumbe answered specific allegations on such issues as not taking action against Dourado's outbursts against the Union, giving exceptional hospitality to Swanzy; letting detractors malign the Union, etc. His basic position was that on legal advice he could not have taken any formal action and in any case, there was no reason to

⁶² NEC minutes op. cit.: pp. 116–117. The underlined words in the quotations are in English in the original.

suppress the debate. Suppression would have only led to the opposition going underground. Jumbe denied that he had questioned the supremacy of the party. It was an allegation; it needed to be proved. This was perhaps Jumbe's weakest defense. He could not obviously challenge party's supremacy because he himself had been so instrumental in bringing it about. Accepting party supremacy while at the same time expecting autonomy for the Zanzibar government was like squaring the circle. It was an irresolvable dilemma, which struck Jumbe's political death knell.

Jumbe concluded his response in a dramatic fashion:

Ndugu Chairman, I have explained the whole truth on this issue as I understand it. But these allegations are serious. Should NEC believe, or even have a doubt, on the truth of these allegations or that either me or the Revolutionary Government were in any way involved, even if you have any doubt, I give you the benefit of doubt; you can do me a favour; allow me to relinquish all the responsibilities you have given me. I say this with a clear conscience, without arrogance or humiliation, or anger or joy.⁶³
[Underlined words in English in the original]

The meeting was adjourned by the Chairman to give members time to sleep over Jumbe's submissions. Next day, the sixth day of the meeting, Nyerere began his long reply admitting that he had never been in a more difficult meeting. He briefly traced the history of the Union emphasising that during the 20 years of the Union, he had been president of Tanganyika for less than three years. Sixty per cent of the population was born as Tanzanians. 'Who wants to bring back Tanganyika? Who wants to bring back Zanzibar?'⁶⁴, he asked rhetorically. Nyerere went on to assert his standard position that it was actually Karume, not him, who was instrumental in

⁶³ Ibid.: p. 127.

⁶⁴ Ibid.: p. 139.

bringing about the Union. He cited the episode which has now become the truism often repeated by party stalwarts:

Between the late Karume and me the person who deserves greater credit for the Union is Karume.

I and Kwame Nkrumah were the big advocates of African unity. I had discussed the formation of the East African Federation with Obote and Kenyatta. But in spite of my advocacy to this day there is no federation.

After the revolution Karume had come to Dar es Salaam; not to discuss the Union but to discuss about Okello.

After the discussion about Okello, I told him, 'Sheikh, I have told Obote and Kenyatta that when they are ready, we should unite. I am telling you the same.' He replied: 'we're ready; call the press right away, we announce: One country, one Government, and you the leader'.⁶⁵ [Underlined words in English in the original]

Nyerere went on with his narrative that after the revolution he had differed with Karume on two things, continued killings and forced marriages with Arab girls, but not on the Union. Once he was invited to the Revolutionary Council meeting of fourteen people where a number of persons were sentenced to death. 'Today it is easy to kill people whom you know to be your enemies but tomorrow you'll start butchering among yourselves. And that's exactly what happened to people like Salehe Saadalla, Hanga and Othman Shariff'.⁶⁶ He had strongly opposed forced marriages of leaders to Arab girls. It was causing him a lot of international embarrassment. Once he talked to the Revolutionary Council about it. Karume had strongly defended these marriages arguing that 'we should reduce these enemies. If we don't reduce them they'll multiply'.

I told them since when did this business of marrying enemies

⁶⁵ Ibid.: pp. 129–130.

⁶⁶ Ibid.: p. 130.

⁶⁷ Ibid.: p. 131.

start? He asked me, why I loved these people so much. I replied that it was him who was marrying them, not me.⁶⁷

Nyerere went on to praise Jumbe for being in the forefront of consolidating the Union and the merger of the parties. Jumbe was a faithful advocate of party supremacy; he had never heard Jumbe opposing it. Nyerere identified three groups who opposed the Union. First there were the Hizbu. These were known; for them the Union was a bulwark against their designs to bring about instability in Zanzibar. They were a spent force and need not be bothered about. The second group was anti-Jumbe; they did not like Jumbe to be in power and after Jumbe was elected, they began to oppose the Union associating Jumbe with the Union. Some of them were dropped when Jumbe appointed his Revolutionary Council. The third group was anti-democratic which had felt that their power was being reduced by Jumbe adopting the constitution and bringing in younger people. These groups had come together and formed an anti-Union front.

Nyerere then went on to answer Jumbe on the sources of the 'political turmoil' in Zanzibar. He explained that it was true that when they were discussing unity at the East African level, they had in mind a federal structure so that no one state felt that it was being swallowed up. He was opposed to one government in the Union with Zanzibar because that would have destroyed Zanzibar's identity. At the same time, they did not see the need for three governments since there could not be fear on the part of the larger partner, Tanganyika, to be swallowed up. Zanzibar's fears could be allayed by having a government for Zanzibar and that was the structure that was agreed upon. For the twenty years of the Union, everyone knew that Tanzania was a two-government Union. He was therefore surprised to hear Jumbe, like Dourado, taking the position that three governments had been envisaged. It was one thing to demand three governments as was done by the November 1981 proposals of the Revolutionary Council, but quite another to assert that there were three governments. The former position, if accepted by the party, where it would obviously be discussed first, would mean

amending the constitution which would require two-thirds majority vote from both sides of the Union. The latter position would mean that there was a constitutional dispute which could only be resolved by a court. Nyerere argued forcefully that in fact the assertion by Dourado, and then by Jumbe, that three governments had been established was a subterfuge to take away the matter from the political arena, and therefore within the party's purview, and turn it into an issue of legal interpretation and therefore within the jurisdiction of a constitutional court. And then Nyerere 'dropped the bombshell', to use Hamad's phrase:⁶⁸

Now the difference of opinion has already arisen. The Vice-chairman is saying there are three governments; I am saying there are two. It is an issue of the Articles of Union. And the case has already been prepared – to send it to court. (At this stage the chairman showed the delegates the case file which had been prepared.)

(Vice-chairman: 'I have not seen this case file.'

Delegates: 'Ahaa')

The case is ready. Here it is. The case has been prepared for the Revolutionary Government of Zanzibar to prosecute the Union Government in the Constitutional Court. And all the charges we're discussing are there. Articles of Union. Party Supremacy. For what wrong is the Zanzibar Government to prosecute the Union government? This has two-fold importance: $1 + 1 = 3$ and $1 + 1 = 2$. So we should prepare ourselves to go to court. I guess this is the work that the likes of Dourado and Swanzy have been doing.⁶⁹ [Underlined words in English in the original]

The sudden appearance of the document must have had an electrifying effect on the meeting. Jumbe was undoubtedly taken aback.⁷⁰

⁶⁸ Interview with Hamad op. cit.

⁶⁹ Ibid.: p. 141.

⁷⁰ Hamad described Jumbe's reaction in the phrase: 'He froze'.

He told the author that the last he had seen the document was when he had showed it to the Chief Minister who had suggested that it be translated into Kiswahili for discussion by the Revolutionary Council. The chief minister went with a copy. It was not even signed by him.

In their separate interviews with the author, both Seif Shariff Hamad and Khatibu Hasan, a former intelligence officer and one of Hamad's group, admitted that they were responsible for delivering the document into Nyerere's hands. According to Hasan's version, he managed to get the document 'stolen' from Jumbe's office using his security contacts. This was during the three-day break between the meeting of the Central Committee and that of NEC. The document was delivered to Sokoine. Nyerere used it very effectively while Jumbe failed to own it up fully saying simply that he knew of its preparation but had not seen the version in Nyerere's hands. That was Jumbe's response, as recorded in the minutes. In the interview with the author, however, Jumbe said that Nyerere was reading selectively from the document and Jumbe told him to read the whole. He wouldn't.

Nyerere worked to the crescendo towards the end of his speech in this fashion:

Let's end this matter civilly. We are humans not gods, we make mistakes. It is worse when we do not recognize mistakes as mistakes. I have explained the work done by *Makamu*.⁷¹ *Makamu* has done a great job of consolidating the nation for the last twelve years.

In 1980, I was considering leaving the presidency. I had intended to recommend *Makamu* to take over. That was the reason I left it to him to chair NEC's seminar at Arusha. Admittedly, I had some doubt. It was during the 1982 elections. Also on that issue of religion. But the matter was resolved. Indeed, I wanted *Makamu* to be the president as recently as December 1983 when I left to go to Butiama. The mainland youth like Kawawa and Sokoine supported *Makamu*. ...

⁷¹ This is a reference to the vice-chairman, Jumbe.

Makamu, yesterday you helped us a lot. It is serious but let it be concluded in a dignified manner. You said: "Should you believe that I have erred, if there be any doubt, take the benefit of doubt; I'll step down."

If I had any doubt, I'd have restrained NEC to take the benefit of doubt. We reprimand a person. We say 'continue'. I have no doubts.

Makamu, step down.

And you'd have helped us. You'd have pre-empted a serious national crisis. A vice-president deserves respect. We'd not be able to protect your dignity.

(The vice-chairman replies.)

'I step down'

(The chairman continues.)

Makamu has helped our country.

He deserves to be respected. Now we have to start the process of knowing Who next. We want a chairman of the revolutionary council who would help us to move forward.

(The vice-chairman speaks.)

'I have nothing to add. But I sincerely thank you all. Thank you.'

(The chairman speaks.)

What follows next? *Makamu* has three responsibilities – chairman of the Revolutionary Council, President of Zanzibar, Vice-President of the Republic and Vice-chairman of the Party.

We'll discuss with him to write letters of resignation according to procedures. Allow the Central Committee to oversee the process according to the Constitution.

(A member of NEC Ndugu Job Lusinde asks.)

'Ndugu Jumbe, from what posts have you resigned?'

Ndugu Jumbe replies, 'from all'.

⁷² The following narrative of Jumbe's departure from Dodoma is based on the author's interview with him.

(A member of NEC Ndugu Isaac Sepetu says.)

'The Central Committee should sit to consider and bring recommendations.'

It is seconded. The Committee convened at the Chamwino State Lodge at 4.00 p.m. on the same day. [Underlined words in English in the original]

Soon after, Jumbe left the meeting hall. Sokoine and Kawawa followed him.⁷² They requested him to write his letters of resignation. Jumbe dictated the letter to his secretary resigning from the Vice-Presidency of the State and the Vice-chairmanship of the party. Then came Nyerere. When Jumbe intimated that he would write his letters of resignation from Zanzibar posts in Zanzibar, 'I could see; he looked very worried.' Nyerere told Jumbe not to go to Zanzibar. He could go anywhere on the Mainland. Jumbe said he wanted to take his wife to Pemba; Nyerere said 'no need'. Jumbe then added his resignation from Zanzibar posts in his letters in Nyerere's presence.

At the airport, Jumbe found that the Zanzibar government 'plane was not there'. Instead there was the Union government 'plane which flew him to Dar es Salaam'. Some ten members of NEC were present to see him off. At the Dar es Salaam airport there was no official to receive him, except the airport was heavily guarded by the police and the army, 'the like of which I had not seen since the Uganda war'. Jumbe was driven to his private house in Mji Mwema. 'Around evening I picked up the phone to call my wives in Zanzibar. The phone had been disconnected. I wondered: all this just to remove me'. The house was guarded by the security. When he mentioned that he would go to Zanzibar the next day to see his wives, the security promptly appeared to escort him. There was no one at the Zanzibar airport to receive him. After talking to his wives, he was flown back to Dar Salaam where he has lived since.

During the adjournment, there was apparently consultation between Nyerere and the Hamad group on the issue of succession. Hamad told the author that the Zanzibar Constitution, 1979 provided two modes of filling the post: either by the Revolutionary

Council or the NEC of the Party. Hamad's group feared that if the matter went to the Revolutionary Council, the erstwhile Karumeist, Seif Bakari, might be appointed. Therefore, they wanted NEC to appoint the successor. Nyerere agreed. But constitutionally NEC had no power to nominate an interim president and chairman of the Revolutionary Council. Although the relevant provisions of the 1979 constitution are not elegantly drafted, in the opinion of this author, in case of resignation of the sitting president, it is the Revolutionary Council which had the power to appoint an interim president and chairman. Only in a situation where the Revolutionary Council was not in a position to meet, NEC had the power to appoint an interim leader (see article 8).⁷³ But then Nyerere was not known for constitutional niceties and there was no Zanzibari voice to propose otherwise.

Thabit Kombo, an old guard from the ASP, who excelled in political expediency, was flown to Dodoma from Moshi, where he was recuperating from an eye surgery. At Kombo's suggestion, it was agreed that Ali Hassan Mwinyi be nominated as the interim president of Zanzibar and Chairman of the Revolutionary Council. Mwinyi had been a low profile civil servant and had been brought into the government for the first time by Jumbe. The Hamad group preferred him because he was considered a moderate and not tainted by the Karumeists.⁷⁴ On the seventh day of the NEC meeting, Thabit Kombo nominated Ali Hassan Mwinyi for the presidency which was immediately greeted with ululations. Mwinyi was thus appointed the interim president of Zanzibar and chairman of the Revolutionary Council by NEC in Dodoma. Soon after taking office, Mwinyi appointed Seif Shariff Hamad his chief minister. Meanwhile, Seif

⁷³ Othman and Mlimuka (1991a: p. 61) point this out but seem to be unaware that the Special Committee of the Central Committee of the Party on Zanzibar affairs, which was supposed to recommend two names to NEC in terms of Article 6 of the 1979 Zanzibar constitution, was abolished by the amendment of the CCM constitution in 1982. This, however, could not have affected the appointment of the interim president because that was governed by Article 8 (discussed in the text) and not Article 6 of the constitution.

⁷⁴ Interview with Hamad op. cit.

Bakari, Ramadhan Haji Faki (Jumbe's chief minister), Wolfgang Dourado and a number of others were placed under house arrest or detained in prisons on the Mainland on Nyerere's orders whose legal validity was dubious. Thus ended what Nyerere described as one of his most difficult meetings. Nyerere concluded the meeting thus:

This has been a historical session for our Party. I have not witnessed such a difficult meeting as this; perhaps the TANU meeting of 1962 when I had offered to resign.

We were confronted with a very serious situation but concluded matters peacefully. This has enhanced the respect of our Party and given it a new image. After managing this, the country will be in no doubt as to who holds the reigns of power.⁷⁵

Nyerere went on to thank Jumbe and underscore his contribution to the consolidation of the Union. Jumbe deserved respect. The Party should direct the Union Government and the Government of Zanzibar to look after him and his family. Characteristically, Nyerere ended Jumbe's **political** career with **personal** magnanimity!

THE 1984 CONSTITUTION

The aftermath of 'pollution'

The political atmosphere may have been depolluted by Jumbe's resignation but the Union could not be the same again. The constitutional question about the structure of the Union and Zanzibar's place in it refused to go away. It continues to haunt the political and

⁷⁵ NEC Minutes *op. cit.*: pp. 147–148b.

⁷⁶ Hamad told the author that they were not against three governments in principle but opposed Jumbe because they feared that Jumbe was becoming too close to the Karumeists who would use the old methods of eliminating opponents against them. This fear may have been exaggerated; the fact however remains that Hamad's alliance with Nyerere was based more on pragmatism than principle, in the process sacrificing Zanzibar's autonomy, which in later years was to become his own platform.

legal structure of the Union to this day. For the first time since the Revolution, Jumbe's 1979 reforms opened up democratic space and gave the people of Zanzibar a say in appointing their president. Within five years, both were lost at the altar of Party supremacy, which Jumbe had helped to bring about. Ironically, the beneficiaries of Jumbe's educational and political reforms, the 'young Turks' around Seif Shariff Hamad, became the main *dramatis personae* of Jumbe's downfall.⁷⁶ They delivered the right of Zanzibaris to appoint their leader to the Party organs.

The Zanzibar law stipulated that the president of Zanzibar and the chairman of the Revolutionary Council shall be appointed within ninety days of the resignation of the previous president. Within a month of assuming office, the Mwinyi-Hamad duo amended the Constitution providing a new procedure for the nomination of the President and chairman. Instead of the Special Committee of the Party, which consisted wholly of Zanzibaris, the Central Committee of the Party 'shall recommend not less than two names of persons hailing from Zanzibar Tanzania who have attained the age of 30 years and who qualify to stand as candidates for election as Head of the Government of Zanzibar'.⁷⁷ The NEC would then choose one of the two to stand for election. This law was applied in the subsequent election to elect the substantive president. The Central Committee proposed two names that of Ali Hassan Mwinyi and Idris Abdul Wakil, who conveniently withdrew before the names were sent to NEC.⁷⁸ Mwinyi was duly nominated to stand for presidential elections. The removal of Jumbe in Dodoma and the appointment of

⁷⁷ Section 2 of the Constitution of Zanzibar (Amendment) Act (No. 2 of 1984). See also the Election of Chairman of the Revolutionary Council and the President of Zanzibar (Amendment) Act (No. 1 of 1984), which is to the same effect. Surprisingly, the amending act to the constitution is in English when the original constitution is in Kiswahili.

⁷⁸ The same Wakil was nominated with Jumbe in the 1980 elections and also withdrew. It seemed to have become a tradition for Wakil to 'escort' presidential nominees until 1985 when he did not withdraw and went on to become the president (see below).

⁷⁹ Othman & Mlimuka 1990a: p. 59.

Mwinyi as interim president, again by NEC in Dodoma, were still fresh in the minds of Zanzibaris. Not every one in Zanzibar was enthused by the fact that their leaders were 'made in Dodoma'. The Party mounted an intense campaign to get Mwinyi elected. Mwinyi got 87.6 per cent vote, 79 per cent in Unguja and 95.5 per cent in Pemba.⁷⁹ Although high, these were low by Tanzanian standard, and low even by the standard set by Jumbe in the 1980 elections. Once again, Mwinyi chose Hamad to be his chief minister. The duo gained considerable popularity because of their bold economic measures of liberalisation to relieve hardships, causing some disconcert to Nyerere who was putting up last ditch resistance to IMF's conditionalities.⁸⁰ It was under Mwinyi–Hamad rule, or the third phase government as it came to be characterised, that Zanzibar had its second constitution after the revolution.

Salient features of the 1984 Constitution

After settling the political atmosphere, the Party approved major amendments of the Union constitution following the NEC proposals and the ensuing debate. The Fifth Constitutional Amendment, as it is famously called, for the first time in the constitutional history of the country introduced an enforceable Bill of Rights.⁸¹ This must have been because of Hamad's insistence that Zanzibaris would have one in their constitution.⁸² Clearly, it would have been too embarrassing to have a bill of rights in the Zanzibar constitution and not have one in the Union constitution. The reluctance of Mainland authorities to have a bill of rights was further demonstrated by the fact that its enforceability was suspended for three years.

⁸⁰ Interview with Hamad. Hamad told the author that Nyerere did not like their liberalization measures.

⁸¹ Article 4 makes very clear that there are two Executives, two Legislature and two Judiciaries in Tanzania.

⁸² This was confirmed to the author by Hamad, interview *op. cit.*

⁸³ Interview with Abubakar Khamis Bakary 23 August 2004, I am grateful to Mr. Bakary for availing me with a copy of his curriculum vitae.

Instead of amending the 1979 constitution, Zanzibaris decided to have an altogether new constitution because, according to Hamad, the 1979 constitution had many drawbacks and they wanted to have a constitution on the model of Commonwealth countries, that is, presumably, a liberal constitution. The 1984 Zanzibar constitution was drafted by the newly appointed Attorney General, Abubakar Khamis Bakary. Bakary was a close associate of Hamad and trained at the University of Dar es Salaam during the same time as Hamad.⁸³ Of course, the relevant organs of the Party, the Central Committee and NEC, first approved the draft, before it was sent to the House of Representatives. Before we discuss some of the features of the 1984 constitution, a word needs to be said about the way it was made.

As in the case of the 1979 constitution, which was made by the then legislative body, the Revolutionary Council, the current legislative body, the House of Representatives, enacted the 1984 constitution. Neither of these bodies was composed of directly elected representatives of the people and no legal pretense was made of converting them into constituent assemblies first before adopting the constitution. Thus there was no direct participation of the people of Zanzibar in enacting their constitutions, in effect therefore undermining political legitimacy of the fundamental law. Considering the modern constitutional jurisprudence, it could be argued, that the House of Representatives had only powers to amend the constitution but not adopt a totally new constitution, undermining the legality of the constitution. The claim of the preamble that the House of Representatives passed the constitution *on behalf of the people* is therefore dubious.

The preamble to the constitution is virtually the same as in the 1979 constitution, among other things, paying homage to the revo-

⁸⁴ These phrases continue to be there in both the Union and Zanzibar constitutions but they are more a ritual than reality since the adoption of neo-liberal policies in the 1990s. Even then, for the Zanzibar power elite ujamaa was phraseology of convenience for none of them really believed in it, least of all Seif Shariff Hamad and his colleagues.

lution and the 'thoughts' of the founder Abeid Amani Karume and reasserting the supremacy of the Party guided by the ideology of 'socialism and self-reliance'.⁸⁴ There is an addition of one substantial paragraph expressing the belief that a free and democratic society can only be built on the foundation of an elected body (the House of Representatives) and free and impartial judiciary to ensure that fundamental human rights are promoted and protected. These two aspects are the central contribution of the 1984 constitution in expanding the democratic space, at least constitutionally. A number of other features of the 1984 constitution may be mentioned.

First, the constitution entrenched fundamental human rights and provided an elected House of Representatives. The majority of the House of Representatives were to be elected directly from constituency; 10 members were to be appointed by the President; five women members to be elected from among names nominated by the women's organisation and all regional commissioners from Zanzibar were to be members of the House by virtue of their office.⁸⁵ Secondly, unlike the 1979 constitution, this constitution uses the term Zanzibari and gave powers to the House to define the term. Thirdly, the constitution provided for the judiciary headed by the High Court of Zanzibar.⁸⁶ The vestige of the revolutionary period, the Supreme Court manned by the members of the Revolutionary Council, was abolished. The constitution also recognised the Court of Appeal of Tanzania as the final appellate court except it had no jurisdiction to interpret the constitution of Zanzibar; entertain any Islamic matters originating in Khadi's court and any other matter that might be excluded from its jurisdiction in a law passed by the House of Representatives.⁸⁷ Fourthly, although the Revolutionary Council was maintained, its

⁸⁵ Articles 62–65.

⁸⁶ Chapter Six.

⁸⁷ This raises the controversial legal question as to whether the Zanzibar constitution could specify the jurisdiction of the Court of Appeal, the court being one of the items in the list of Union matters over which only the Parliament has jurisdiction.

composition shows that it was virtually a cabinet by another name. It was composed of the president, the chief minister, other ministers and other members appointed by the president from the House of Representatives. The total number of membership was restricted to 20.

Finally, the constitution contained two more controversial matters. The process of nomination of a candidate for the presidency began with the Central Committee of the Party, a non-Zanzibari organ. The Central Committee recommended two names to NEC which in turn nominated one to stand for the election in which Zanzibaris voted 'yes' or 'no'. No Zanzibari organ was therefore formally involved in nominating the top leader of their government. The precedence set by the appointment of Mwinyi as the interim president at the end of the 'pollution of atmosphere' saga at the behest of Hamad group was now constitutionally entrenched in the Zanzibar's own constitution. A political expediency became an entrenched principle striking a severe blow to Zanzibaris' right to determine who would lead them. The second matter was an assertion of Zanzibar's autonomy. The constitution provided that no law passed by the Union Parliament shall apply to Zanzibar unless (a) it is on a Union matter and (b) has been tabled before the House of Representatives. These requirements are not stipulated in the Union constitution which goes even further. On the face of it, the Union parliament can pass a law on a non-Union matter and extend its application to Zanzibar.⁸⁸ This inconsistency remains unresolved and the courts have shied away from directly addressing it. Inconsistencies between the Union and Zanzibari constitutions have continued adding further fuel to the fire of what has been euphemistically called *kero za muungano* (literally 'troubles' or 'irritations' of the Union).

⁸⁸ See Article 64 of the Union Constitution.

⁸⁹ Salim was appointed Prime Minister after Sokoine's death in a road accident.

CONCLUSION: A PRE-VIEW OF THE NEXT 20 YEARS

The Mwinyi–Hamad rule in Zanzibar was short lived. As Nyerere stepped down in 1985, Mwinyi was nominated by the Party to succeed him. The succession question once again brought forth the division between the ‘frontliners’ and the ‘liberators’ in Zanzibar. It was widely believed that Nyerere preferred his then Prime Minister Salim Ahmed Salim⁸⁹ to succeed him. The old veterans of the revolution (Natepe et al.) in the Central Committee allied with narrow nationalists from the Mainland (Mwakawago, Mongella, et al) opposed Salim on grounds of race. Hamad’s faction supported Salim because they did not want Mwinyi to leave Zanzibar for fear that the gains made during his rule would be lost.⁹⁰ According to Hamad, Nyerere gave in and Mwinyi’s choice came to pass. Succession to Mwinyi in Zanzibar once more became a hugely controversial issue. Hamad’s followers considered Hamad to be the rightful successor but manipulations within the party kept him out and Idris Abdul Wakil, a weak personality with no politics of his own, became the president of Zanzibar. At Nyerere’s insistence, Wakil appointed Hamad his chief minister. But Wakil never felt secure as Hamad’s popularity in Zanzibar, particularly on the island of Pemba, was too unsettling to be acceptable. Eventually, Hamad and his colleagues were expelled from the Party. The Nyerere–Hamad alliance had come full circle.

The next twenty years of the Union were even more tumultuous than the first 20 years. The details are beyond the scope of this volume. Suffice to say that the Union moved from crisis to crisis, at times coming on the brink of a break-up. The Party doggedly refused to entertain the idea of revisiting the structure of the Union and consider a three-government federal association. The

⁹⁰ Interview with Hamad op. cit.

⁹¹ Tanzania (Nyalali Report) 1992.

⁹² There is considerable literature on Tanzania’s entry into the multi-party political system. See, among others, Mmuya & Chaligha, 1992, Bakari 2001, and essays in Shivji 2006.

supremacy of the single party and the two government Union structure came under severe strain after the introduction of the multiparty system in 1992. The Nyalali commission, which had been mandated to gather people's views on one-party or multi-party, recommended a three-government Union.⁹¹ The Party simply ignored it while endorsing the recommendation to go multi-party.⁹² As soon as the doors were opened, the Hamad group formed an opposition party, the Civic United Front (CUF), which has garnered almost equal support as CCM in Zanzibar. The Zanzibar polity is split right in the middle since then. Every election in Zanzibar since 1995 has proved to be extremely controversial as CUF has consistently alleged, not without reason and evidence, that they have been deprived of victory. The ruling Party, CCM, has proved to be incapable of addressing the divisive politics of Zanzibar as the Party itself has increasingly fragmented during the neo-liberal period between rival political groups and interests. It is ruled more by opportunist factional alliances between mainland and Zanzibar power and rent-seeking elites than any overarching national ideology. The result is that neither the Zanzibar problem nor the Union question, which have inevitably become intertwined, can be resolved.

While Nyerere lived, he made strategic interventions whenever the Union boat was rocked. Sometime in 1992 Zanzibar, on its own, applied and was accepted to become a member of the Organization of Islamic Conference (OIC).⁹³ There was a big furor. The then President of Zanzibar, Salmin Amour, came under vicious attack and so did Mwinyi, the Union president, on the grounds that Zanzibar had breached the Union Constitution. Although pegged on the constitution, the controversy was more political than legal. It also got mixed up with religion. Nyerere intervened and Zanzibar was forced to withdraw its membership of OIC. In 1993 at the initiative of 55 members of Parliament from the Mainland, the Parliament passed a resolution calling upon the

⁹³ For the whole OIC saga see the parliamentary committee's report (Tanzania 1993).

Government to table before the Parliament a law, which would establish a separate government for Tanganyika. This time around it was not the Zanzibaris, but the mainlanders, who were demanding the restructuring of the Union, though, no doubt, as a reaction to the OIC issue. This was anathema to Nyerere. He was furious. As an invitee to Party organs – since he had stepped down from both the presidency of the Union and the chairmanship of the party – he vigorously opposed the resolution on the ground that CCM members of parliament were bound by their party position. The party position on two-government Union had not changed. And this could not be changed until Party members had been consulted, Nyerere argued. A Party poll, as expected, re-endorsed its previous policy; the parliamentarians had to eat their words.⁹⁴

Nyerere died in 1999. The Party lost an authoritative leader who was particularly wedded to the idea of two-government Union. The Union problems continued to dog the body-politic, now further complicated by the intense conflict between CUF and CCM in Zanzibar. Another committee on constitutional changes appointed by President Mkapa and headed by a Court of Appeal judge Mr. Justice Kisanga, recommended a three-government Union.⁹⁵ Mkapa was furious. The Kisanga committee had gone beyond its terms of reference. In the typically Nyerereist style, the Union question was once again shoved under the carpet. It refused to remain there. The 2000 general elections in which Mkapa was returned to power as the Union president and Karume's son, Amani Abeid Karume, took the helm in Zanzibar were most dis-

⁹⁴ For the G55 resolution, as I christened it then, and its aftermath see essays in Shivji 2006: pp. 89–123.

⁹⁵ See generally Peter 2001: pp. 18–31.

puted. CUF simply refused to recognise Karume. Violence broke out on the island of Pemba in which scores⁹⁶ of CUF's supporters were gunned down and hundreds made their way to safety in the neighboring Kenyan city of Mombasa.⁹⁷ For the first time in its history, the peaceful Tanzania, which has been a home to thousands of refugees from neighbouring countries, gained the dubious distinction of having produced its own. The split (*mpasuko*) continues festering. The historical ghosts of the division between Hizbu, a generic term indiscriminately applied to describe the pre-revolution Arab rulers, including the indigenous Shirazis from Pemba, have been constantly resurrected.⁹⁸ The *mpasuko* in Zanzibar and the *kero za muungano* (the crisis of the Union) threaten to fragment and split the country. Racial and cultural nationalisms have reared their ugly heads. Not only has the ruling Party lost an authoritative leader in Nyerere but also traded off its cementing ideology for personal power and accumulation by neo-liberal elites, thus providing a fertile ground for fragmented politics. The state of the Union now finds expression in the disunity of the State.

The foundation and the history of the Tanganyika-Zanzibar Union illustrate in a microcosm the contentions that have bedevilled and continue to bedevil the Pan-Africanist vision on the continental level. As Pan-Africanism is resurfacing on the historical agenda, the Tanzanian Union, the only surviving example of a political Union between African states, has fundamental lessons to teach. We sum up the lessons in the concluding section.

⁹⁶The number of people killed is heavily disputed. CUF claims over 80 deaths while the official commission, Mbita Commission gives 31 dead. For CUF figures see CUF 2003: p. 121; Mbita Commission figures are quoted in Oloka-Onyango & Maria Nassali, 2003: p. 15.

⁹⁷ CUF *ibid.* and Oloka-Onyango, *ibid.*

⁹⁸ For a vulgar example of this see Mapuri 1996.

Conclusion

LESSONS FOR PAN-AFRICANISM

THE PAN-AFRICAN PROJECT

The Union of Tanganyika and Zanzibar was born at the tail-end of the major continent-wide discourse on African Unity and Pan-Africanism. The first generation of African nationalists were driven and motivated by the ideology of Pan-Africanism. The leading light was Kwame Nkrumah, the first president of the first sub-Saharan African country to shake off the shackles of colonialism. The Pan-Africanist idea was developed in the Diaspora by such great Afro-Americans and Afro-Caribbeans like Henry Sylvester Williams, George Padmore, W. E. Du Bois, C. L. R. James and others.¹ The Fifth Pan-Africanist Congress in Manchester held in 1945 was the first to make explicit political demands beyond anti-discrimination and racial equality, which had hitherto been the main concerns of earlier Pan-Africanism.² It was also the first to be attended by young Africans from the continent including Kwame Nkrumah and Jomo Kenyatta.³

Nkrumah's Pan-Africanism was born in the womb of a continental perspective generated by the Diaspora. He saw the struggle for the independence of Ghana as part of the Pan-Africanist project, as a step towards the African Union or the United States of Africa. The 1960 republican constitution of Ghana contained a clause showing Ghana's readiness to surrender its sovereignty in the interest of

¹ Legum 1965.

² Pannikar 1961. See, also, Sherwood 1996: pp. 121–124.

³The information and argument on Pan-Africanism, unless otherwise indicated, is based on Shivji (2005).

African Unity. Nyerere's passion for African unity was of a different origin. It was born in the struggle for the independence of his country. He was a committed nationalist and an ardent advocate of African liberation from colonialism. In this, he saw the need for African unity. Whereas Nkrumah arrived at the ideology of Pan-Africanism from a continental perspective, Nyerere arrived at it from the perspective of territorial nationalism.⁴ Nonetheless, both men were equally passionate advocates of Pan-Africanism. Nyerere in fact argued that African nationalism outside Pan-Africanism 'is meaningless, is anachronistic, and is dangerous'⁵; elsewhere he described 'exclusive nationalism' as 'the equivalent of tribalism'⁶ Yet, their early intellectual formation did influence their Pan-Africanist outlook at least on two aspects: the route to achieving African unity and their appreciation of imperialism.⁷

⁴ Sherwood (1996) gives a detailed account of Nkrumah's 10 years in the USA and two very intensive years in Britain. Nkrumah's intellectual mentor was George Padmore, a great organiser and agitator, an independent Marxist who literally loathed organised communism.

⁵ Nyerere 1963 in Nyerere 1967: p. 1974.

⁶ Nyerere 1965 in Nyerere 1967: p. 335.

⁷ Nkrumah spent 12 years outside during which he rubbed shoulders with radicals, Marxists and other West African and third world nationalists. He learnt from the likes of George Padmore, Ras Makonnen and W. E. Dubois. During his sojourn in the UK he was heavily involved in organising West Africans. It is interesting that most of the time the vision of these activists was for the independence of West Africa as a single unit which they variously called the West African Federated States or West African Socialist States. whose ultimate aim was a Union of African Socialist States. Nkrumah was critical of and distanced himself from the gradualist (he even called it 'imperialist') approach of the Labour Party and its think-tank the Fabian Colonial Bureau (Sherwood 1996). Unlike Nkrumah, Nyerere's intellectual mentors were Catholic missionaries like Fathers Collins and Walsh (Dugan and Cuville 1976: p. 49). He spent only two years in Britain when he became close to the Labour Party and the Fabian Colonial Bureau who found him congenial to their own approach to African independence (Iliffe 1979: pp. 508–509). (There is no good intellectual biography of Nyerere but see generally Smith 1971). Both men were ardent African nationalists and socialists although Nkrumah's socialism was much closer to Marxist and Leninist thought while Nyerere was a strong anti-communist.

Nkrumah advocated the political unity of Africa and the formation of an African government as an immediate project. Nyerere took a gradualist approach. For Nyerere, any number of African governments uniting in any form was a step towards African unity. 'The goal [African unity] must be achieved and it does not matter whether this is done by one step or by many, or through economic, political, or social development.'⁸ For Nkrumah, regional unities and blocs would not only be an obstacle in the path of continental unity but regional blocs would become a pawn on the imperialist chess-board. 'Regional economic groupings retard rather than promote the unification process', he argued.⁹ Earlier, even Nkrumah believed in the gradualist approach and his vision of African unity was limited to West Africa. Writing a forward in 1962 to his booklet, which was written between 1942 and 1945, Nkrumah asserted that the ideas he expressed in that booklet had not changed except on African unity.

There is, however, one matter on which my views have been expanded, and that is regarding African unity. Since I have had the opportunity of putting my ideas to work, and personally experiencing the bitter and arduous test of wit, patience and endurance that was necessary before our own victory over colonialism was won, I lay even greater stress on the vital importance to Africa's survival of a political union of the African continent. Twenty years ago my ideas on African unity, important as I considered them even at that time, were limited to West African unity. Today, as I sit at my desk in Accra and glance at the several maps of Africa surrounding me, I see the wider horizon of the immense possibilities open to Africans – the only guarantee, in fact, for our survival – in a total continental political union of Africa.¹⁰

Nkrumah's and Nyerere's different approaches on the path to African unity found the former initiating and organising All Africa

⁸ Nyerere 1963 in Nyerere 1967: p. 189.

⁹ Nkrumah 1973: p. 14.

¹⁰ Forward to Nkrumah 1962: pp. x–xi.

People's Conferences while Nyerere was the leading organiser of Pan-African Freedom Movement for East and Central Africa (PAFMECA). Nyerere saw PAFMECA¹¹ (later in 1961 expanded to include southern Africa thus becoming PAFMECSA) located within Pan-Africanism and a step towards African unity. Nkrumah was sceptical of both PAFMECA and Nyerere's fervent advocacy of the East African federation. At PAFMECSA's 1962 conference in Addis Ababa, Nkrumah's representative, John Tettegah, openly voiced Ghana's concern that PAFMECA was dividing Africa.¹² Nkrumah's criticism of Nyerere's regional initiatives deeply wounded him, so much so that, matters came to a head at the second meeting of the Organisation of African Unity (OAU) in Cairo in July 1964. Nyerere's intervention directed against Nkrumah was virulent and sarcastic, verging on the ridicule.¹³ Nyerere repeated his argument about step-by-step unity:

To rule out a step by step progress towards African Unity is to hope that the Almighty will one day say, 'Let there be unity in Africa', and there shall be unity; or to pray for a conqueror, But even a conqueror will have to proceed step by step. To say that the step by step method was invented by the imperialists is to reach the limits of absurdity. I have heard the imperialists blamed for many things, but not for the limitations of mankind. They are not God!

In this Nyerere displayed his limited appreciation of Nkrumah's analysis of imperialism as a world system in which Africa could stand tall only as a *politically* united continent. Nyerere's argument was logical and pragmatic and won applause from fellow African heads of state who had begun to enjoy the fruits of independence as they built statist 'nationalisms' in their respective countries.

¹¹ For an informative narrative on PAFMECA/PAFMESCA see Nye, Jr. 1966: pp. 119 et. seq.

¹² Ibid.:p. 126.

¹³ An extract from this speech is reproduced in Nyerere 1967: p. 300–304 but it does not quite bring out the sarcastic tone with which Nyerere delivered this speech.

Nkrumah's position was rooted in a systemic understanding of the political economy of imperialism and world capitalism, as he was to demonstrate in his book *Neo-Colonialism, the Last Stage of Imperialism*.¹⁴ No wonder, a year after its publication, Nkrumah was overthrown by a CIA engineered coup.¹⁵ The loss was Africa's, more than Ghana's, as Nyerere was to affirm on the fortieth anniversary of Ghana's independence in 1997. '[A]fter Kwame Nkrumah was removed from the African political scene nobody took up the challenge [of African unity] again.'¹⁶ Logic and pragmatism were on Nyerere's side; he won the argument but lost the cause. History proved Nkrumah right. Some four decades later, none other than Nyerere himself admitted the failure of the first generation of African nationalists to achieve the Pan-African vision for which Africa was poorer and weaker. In the last 20 years, the imperialist onslaught under neo-liberalism has eroded the last vestiges of even 'territorial nationalism', however limited it was.¹⁷

The Pan-Africanist project of the 1950s and early 1960s rested on four major pillars. Firstly, the recognition that African nationalism had to be Pan-Africanism; that 'territorial nationalism' built within countries whose boundaries had been artificially drawn by colonial masters was both unreal and unviable. Nyerere put it eloquently when he said:

I reject the glorification of the nation-state which we have inherited from colonialism, and the artificial nations we are trying to forge from that inheritance. We are all Africans trying very hard to be Ghanaians or Tanzanians. Fortunately, for Africa we have not been completely successful.

The outside world hardly recognises our Ghanaian-ness or Tanzanian-ness. What the outside world recognises about us is our African-ness.¹⁸

¹⁴ Nkrumah 1965.

¹⁵ See Lee 2001.

¹⁶ Nyerere 1997.

¹⁷ See, generally, Shivji 2005.

¹⁸ Nyerere 1997.

Thus Pan-Africanism was a call to rise above territorial nationalism, and, therefore per force, above other narrow nationalisms, both cultural and racial. And who is an African? Nyerere answered it at a public rally in Zanzibar in 1959: An African is anyone who has made Africa his or her home and fights for the rights of the country and equality. The Freedom Charter setting up PAFMECA in 1958 solemnly declared, 'The Movement shall fight white racialism and black chauvinism.'¹⁹ It went further and adopted a Charter on Racial and Religious Discrimination, which proclaimed the equality of all citizens regardless of race, colour, religion or national origin.

Secondly, Pan-Africanism was consistently anti-imperialist. True, many of the first generation African nationalists equated anti-imperialism with anti-colonialism. However, a few went beyond and foresaw neo-colonialism, the leading theorist and political proponent being undoubtedly Nkrumah. He argued that political independence was only formal, that real power rested in the hands of imperialist states as African resources continued to be exploited by monopoly capital. Imperialist capitalism acted on a Pan-African scale and therefore, '[T]he only effective way to challenge this economic empire and to recover possession of our heritage, is for us to act on a Pan-African basis, through a Union Government.'²⁰ Although Nyerere lacked the economic sophistication of Nkrumah, he too became increasingly more articulate in his political argument against neo-colonialism. After he stepped down from the presidency, Nyerere was almost the only African leader who continued to rail against neo-colonialism.

'... [N]eo-colonialism correctly describes that phase in Africa when authentic leaders were destroyed and a bunch of African puppets were installed for the purposes of presiding over the looting of our Continent. ...

That phase is still alive in Africa. It has produced African millionaires, even billionaires. Their loot is rarely invested in Africa,

¹⁹ Reprinted in ZNP n.d.: pp. 70–72.

²⁰ Nkrumah 1965: p. 259.

it is invested or hidden abroad, for the African looters have no more confidence in the future of our Continent than their foreign friends and masters.²¹

Thirdly, the Pan-African project was conceived and perceived as a *political* project. Nkrumah's famous adage 'Seek ye the political kingdom and everything else shall be added unto you', summed up the continental project of political unity. For Nkrumah, politics and economics could not be separated and economic development of the continent could not be addressed without political unity.

Finally, the Pan-Africanists were persistent in their stand that African unity would be a voluntary act and that it could not be imposed. Various Pan-African documents including the Freedom Charter declared that African states would be democratic. While the democracy of the Freedom Charter was unambiguously liberal based on individual rights and parliamentary representation, the democracy of the Fifth Pan-African Congress came close to some notion of social democracy. 'We condemn the monopoly of capital and the rule of private wealth and industry for private profit alone. We welcome economic democracy as the only real democracy.'²²

African (i.e. continental) nationalism, anti-imperialism and democracy thus formed the cornerstones of Pan-African ethos. Although often presented as an example of Pan-African unity, the Tanganyika-Zanzibar Union, as this study has shown, fell short of this ethos. We briefly sum up the shortcomings as well as the lessons it holds for the current resurgence of nationalism and Pan-Africanism.

IMPERIALISM AND THE FORMATION OF THE UNION

In a paper written in June 1960, which was subsequently adopted by PAFMECA, Nyerere argued eloquently for an East African federation of Kenya, Uganda, Tanganyika and Zanzibar. Ironically, he

²¹ Nyerere 1997.

²² Legum 1965: p. 155.

deployed the same arguments for the regional federation and against individual countries going it alone as Nkrumah had used for continental unity and against regional integrations. Nyerere's position was that as the three East African countries were negotiating their independence, they should go into it as a federated unit because it would be harder to form a federation once they had gained sovereignty as individual states. 'We shall find ourselves being flattered and filled with false nationalistic pride by reference to our virtues in contrast with the evil habits of our neighbours – or vice versa.'²³ Uganda with its problem of kingdoms was most reluctant and wavering in its resolve to enter the federation. Nevertheless, on 5 June 1963 in a hurriedly called meeting Kenyatta, Nyerere and Obote announced their decision to federate by the end of the year.²⁴ A Working Party was formed to draft a constitution, which would be discussed in the third week of August. In July, the Working Party visited Zanzibar to update the newly elected, Zanzibar Nationalist Party–Zanzibar and Pemba People's Party (ZNP–ZPPP), government there. But no sooner after the declaration, Ugandan leaders began to renege. In September the possibility of Kenya and Tanganyika going ahead without Uganda was discussed but Nyerere opposed it. He argued that a two-state federation would be an admission of defeat, thus undermining Pan-African unity.²⁵

Although Zanzibar accepted to participate in the Working Committee, and paid lip-service to the idea of a federation, its position was less than enthusiastic. Zanzibar leaders (Ali Muhsin et al) did not come out in the open but left it to Ugandans to make a case against the federation.²⁶ By the end of the year, it had become clear that the federal project had fallen through. In January a new factor intervened, the Zanzibar revolution, followed by army mutinies in all three East African countries. In the case of Tanganyika, the

²³ Nyerere 1963 in 1967: p. 89.

²⁴ The information on the process is taken from Nye, Jr. 1966: Chapter VI unless stated otherwise.

²⁵ *Ibid.*: p. 187.

²⁶ Nye, Jr. 1966: p. 195.

mutineers almost succeeded to overthrow the government with Nyerere disappearing for a whole week. In all these countries, British troops were invited to put down the mutinies and disarm the mutineers. Nyerere's nationalist pride was deeply hurt. In an emergency meeting of OAU foreign ministers called by him, he admitted of 'national humiliation' having had to call non-Tanganyika troops to maintain order. But he was more concerned by the fact that the non-Tanganyika troops happened to be from a country deeply involved in the Cold War which would have 'serious implications in the context of African nationalism'.²⁷ Eventually the Nigerians replaced the British troops as the country rebuilt its army from scratch. The mutiny together with the earlier events in the Congo culminating in the murder of Patrice Lumumba and the assassination of President Olympio of Togo left Nyerere with a deep sense of insecurity. Survival became his major concern, at least during those early years of independence. The Zanzibar revolution further endangered the survival of the mainland government, as it threatened to invite Cold War conflict to its doorstep.

Nyerere came under severe pressure from Western governments as they relentlessly cajoled him to do something about communism next door. As a nationalist, he probably resented being told by the former colonial power what to do, though as a politician, he must have realised that he had little choice. Until the last moment, Nyerere was hoping that Zanzibar would be brought into the federation of more than two-states even if it meant only with Kenya. When that effort failed, Nyerere and Karume signed the Articles of Union, which had been prepared in great secrecy, without consulting even the members of the revolutionary council. The pressure by Britain and the USA was intense. Only two weeks after the signing, the British high commissioner was again at Nyerere's neck 'suggesting' that the 'question of Union Government gaining control of security forces in Zanzibar was now even more urgent than problem of East Germans'.²⁸ He even had the temerity to suggest that Nyerere might want to get the Nigerian consent to use

²⁷ Nyerere 1964 in 1967: p. 288.

²⁸ From Dar es Salaam to C.R.O., 14 May 1964. DO 185/65.

their troops to intervene in case of a 'showdown'. The high commissioner reported to his bosses in London that Nyerere was indecisive and non-committal. He found Nyerere's attitude 'thoroughly Micawber-like'. 'I fear that despite all our uncertainties in past about Kambona's own attitude our main hope now lies in possibility that he could inject some realism and sense of urgency into Nyerere's attitude as he, Kambona, did during week of mutiny.'

It is quite possible that Nyerere chose the time of signing the Articles but the British had hinted to him the possibility of Tanganyika bringing Zanzibar into its fold to rein in the communists more than once. When the Articles were signed, Western powers were elated. The US ambassador to Kenya Attwood euphorically predicted 'The laws of Tanganyika would [after the union] become supreme throughout ... the Tanganyika Preventive Detention Act could be used to round up radicals in Zanzibar.'²⁹ No doubt, perhaps with the wisdom of hindsight, Babu was to describe the Union some 20 years later as a 'counter-revolutionary coup for the benefit of imperialism and at the expense of the Zanzibaris'.³⁰ Nyerere's decision was pragmatic, to survive, contrary to his own Pan-Africanist pronouncements. His own rabid anti-communism may also have contributed. Yet, left on his own, it is quite likely that Nyerere might not have made the decision to go it alone with Zanzibar. But, the Western pressure overwhelmed him and he gave in. Once formed, Nyerere became almost paranoid to maintain the Union. Short of outright military force, he deployed every tool – including manipulation and Machiavellism – available in the political kitbag to maintain the Union, in the process trampling on Pan-Africanist principles of which he himself was a great and most articulate proponent.

CONTRADICTIONS OF NATIONALISMS

The Tanganyika–Zanzibar Union has been a microcosm of the competitive and conflicting nationalisms – cultural, racial, and territorial

²⁹ Quoted in Babu 1988: p. 26.

³⁰ Ibid.

– that pervade the African continent. The first generation of African nationalists was acutely aware of this but attributed it, to a large extent rightly so, to colonialism. The artificial carving out of the continent, uneven economic development and the political policy of ‘divide and rule’ *politicised* diversities into divisions. In their anti-imperialism and African nationalism, Pan-Africanists sought both to respond and transcend these potentially dangerous divisions. They perceived the Pan-Africanist project as a political project. Thus, Pan-Africanism (African Unity) was truly a liberation ideology in every sense of the word, liberation from imperialism and liberation from narrow and chauvinist nationalisms. But the first generation of Pan-Africanist nationalists failed. Instead, they sanctified divisive colonial borders in OAU resolutions. At the helm of the state, a few of them, like Nyerere, sought to build nations from the top, while others reinvented the same colonial tactics of ‘divide and rule’ by politicising racial and ethnic divisions to maintain themselves in power. Nyerere, the eloquent and forceful Pan-Africanist nationalist became equally strong and eloquent Tanzanian nationalist, so much so that he failed to acknowledge the continued tension between Zanzibarian and Tanganyikan ‘nationalisms’ and abiding hostility between cultural and racial nationalisms in Zanzibar.

In his address on the inauguration of Kenneth Kaunda as the Chancellor of the University of Zambia titled ‘the Dilemma of a Pan-Africanist’,³¹ Nyerere candidly acknowledged conflict between nationalism and Pan-Africanism. In his usual candour, he admitted that the first generation of African nationalists were engaged in building nationalisms in their respective countries and rhetorically asked: “Can African unity be built on this foundation of existing and growing nationalism?”

I do not believe the answer is easy. Indeed I believe that a real dilemma faces the Pan-Africanist. On the one hand is the fact that Pan-Africanism demands an African consciousness and an African loyalty; on the other hand is the fact that each Pan-Africanist must

³¹ Nyerere 1966 in 1968: pp. 207–217.

also concern himself with the freedom and development of one of the nations of Africa. These things can conflict. Let us be honest and admit that they have already conflicted.³²

But this acknowledgement in the case of his country referred only to *Tanzanian* nationalism. Nyerere never acknowledged the racial nationalism of his counterparts in Zanzibar nor Zanzibarian 'territorial nationalism'. His obsession to maintain the Union, literally at any cost, meant that at crucial conjunctures he gave in to the narrow racial nationalists of Afro-Shirazi Party (ASP). For the same reason, he failed to recognise that Jumbe's position during the 'pollution of atmosphere' was an expression of Zanzibar's territorial nationalism. Instead of addressing the nationalist message *democratically*, he got rid of the messenger. Jumbe was forced to resign.

There is absolutely no doubt that Nyerere personally was a very strong opponent of any kind of racism and constantly warned his people that politicisation of race or ethnicity could consume their societies in incessant and irrational violence. Yet, in the case of Zanzibar, he traded off his anti-racial principles in the interest of maintaining the Union. While he controlled the single party, which controlled the politics of the country, racial nationalism was subdued. With his departure, and the entry of multi-party, racism and ethnicism once again reared their ugly heads. For the last 20 years there has been a protracted struggle and stand-offs between the ruling party in Zanzibar, Chama cha Mapinduzi (CCM) and the opposition Civic United Front (CUF). The Zanzibari leaders in power are so blinded by their racial nationalism that even the opposition party CUF, which has virtually the full support of the whole island of Pemba, is painted in Hizbu (meaning former Arab parties) colours. Nyerere failed to address antagonistic nationalisms within the Tanganyika-Zanzibar Union partly because he sacrificed Pan-Africanist ethos and principles at the altar of the Union. Lack of constitutionalism and democracy in addressing the union question further contributed to the crisis of the Union. Nyerere's rhetorical question on the conflict between territorial

³² Ibid.: p. 208.

nationalism and Pan-Africanism could well be asked in the case of Tanzanian Union: Can the Tanzanian unity be built on the foundation of existing and growing racial and cultural nationalism?

CONSTITUTIONALISM AND DEMOCRACY

Constitutionalism and democracy were least respected both in the formation of the Union and its continued existence. Political pragmatism and expediency governed the relationship. In this regard, Nyerere's proclamations on the sanctity of the constitution and the rule of law, to put it mildly, were at great variance with his and his party's political practice. As a Pan-Africanist nationalist Nyerere consistently proclaimed that unity could not be imposed. It had to be with the consent of the people. His main argument for recognising the breakaway Biafra in 1968 was that he could not possibly condone maintaining the unity of Nigeria by force of arms. '...[B]y refusing to recognise the existence of Biafra we were tacitly supporting a war against the people of Eastern Nigeria – and a war conducted in the name of unity.'³³ In the course of that article, he referred to the Tanzanian Union in following terms:

As President of Tanzania it is my duty to safeguard the integrity of the United Republic. But if the mass of the people of Zanzibar should, without external manipulation, and for some reason of their own, decide that the Union was prejudicial to their existence, I could not advocate bombing them into submission. To do so would not be to defend the Union. The Union would have ceased to exist when the consent of its constituent members was withdrawn.³⁴

Nothing could be more eloquent and principled. However, Nyerere's logic assumes that 'the mass of the people of Zanzibar' had constitutional means of making a decision on the Union. They did not; and every opportunity of providing them with one was squandered.

³³ *Observer* (UK), 18 April 1968, clipping in FCO 31/154.

³⁴ *Ibid.*

Nyerere's expatriate legal advisors drafted the Articles of Union in great secrecy. Neither the Tanganyika cabinet nor the Revolutionary Council were adequately consulted, nor did Zanzibar have adequate legal advice. The constitutional relationship between Tanganyika and Zanzibar was analogous to that between Britain and Northern Ireland, as Kambona explained to the British Secretary of State two weeks after the signing.³⁵ When Zanzibaris began to speak after the opening up of political space in the 1980s, they found it extremely offensive that they had been dragged into a kind of 'colonial' relationship. The ratification of the Articles by the Revolutionary Council, which had always been doubted, was actually non-existent, as this study has shown. A properly constituted legislative body of Zanzibar never passed the Zanzibarian law purporting to ratify the Articles. The so-called Union of Zanzibar and Tanganyika Law, 1964 was, in fact, drafted in Dar es Salaam and published in the government gazette of the United Republic under the signature of Tanganyika's solicitor general. The President of the Union was given wide and exclusive powers to extend the laws of Tanganyika to Zanzibar dealing with union matters and repeal corresponding laws of Zanzibar, which he did.

A constitutional commission followed by a constituent assembly to adopt a permanent constitution of the union was never convened. To be sure, an attempt was made but circumstantial evidence suggests that it failed because of opposition from the Karumeist leadership. Nyerere, rather disingenuously, made a virtue of necessity. A British journalist reporting that the adoption of a permanent constitution of the Union as stipulated in the Articles had been postponed wrote:

But yesterday President Nyerere tore a sheet of paper from the notepad on his desk and said "authority is acceptance by the people. It is not just a piece of paper. I am going to ask Parliament to give me another year." He added that he had never really liked

³⁵ Note of a meeting in the 'Commonwealth Secretary's Room', 1 May 1964, DO 185/65.

the idea of setting a year's time limit. "But the lawyers wanted to tidy everything up."³⁶

Nyerere's legal craftsmen instead produced an Interim Union Constitution passed as an ordinary Act of Parliament as if it were an amendment to the existing constitution, which it was not. It was a new constitution. To add insult to injury, while ASP's existence in Zanzibar was acknowledged, TANU's constitution was made part of the Union constitution, thus giving the party from one part of the union a constitutional status. The interim constitution lasted some 12 years during which again Nyerere's lawyers crafted this new method of encroaching on the autonomy of Zanzibar by increasing the items on the list of Union matters. There was no formal or informal, informed consultation, of the Zanzibari government. True, Karume ruled without regard to the Union constitution but that could not justify the incremental absorption of Zanzibar in the Union without genuine public involvement.

Finally, when the next opportunity for adopting a permanent constitution arose after the merger of the parties in 1977, the constitution exclusively became a party affair. While, at the insistence of Jumbe, members of both parties were consulted on the merger, citizens were not on the constitution of the state. Year 1977 was an excellent opportunity to place the Union on a democratic foundation, in other words to obtain the consent of the people. The political situation was stable. There was no external threat. Nyerere was firmly at the helm of the party and the state. Jumbe was compliant. Karumeists had been subdued and Zanzibaris, in expectation of opening up after Karume's tyranny, had overwhelmingly voted for the merger. Yet, absolutely no thought was given to consult the people on the new constitution, thereby obtaining their consent to the Union, albeit indirectly. The only explanation one can offer for this glaring omission is Nyerere's own attitude to constitutionalism in relation to the union question. In his articulation and speeches,

³⁶ *Guardian*, dateline Nairobi 15 March 1965, story filed by Clyde Sanger: 'Constitution delayed in Tanzania?'

particularly to Western audiences, Nyerere was every bit an advocate of rule of law and constitutionalism. His political practice in relation to the union, however, departed from his preaching. He seemed to believe that the union question could be resolved politically through party chambers outside public glare and scrutiny. In this, he fell into political expediency as 'pollution of political atmosphere' and Jumbe's resignation show.

The 1983–1985 constitutional debate was unprecedented in the constitutional history of Tanzania. It was the first time that the people discussed openly and freely constitutional issues. It was the first time the party invited the people's views before making a decision. It was also the first time that Zanzibaris got an opportunity to express their pent up grievances against the Union. To be sure, the opposition to the Union in Zanzibar was encouraged by the regime including Jumbe himself. Whatever the technical flaws in the language or procedures, and however conspiratorial sections of the power elite in Zanzibar might have been in 'instigating' the people to speak out, no one could deny that on both sides of the channel, the central demand in the debate was for democracy. The demand for separation of powers, executive accountability, a fully elected national assembly, a constitutionally entrenched bill of rights and separation of the party from the state (including multi-party from some quarters) from the mainland participants, was a demand for democracy. A demand for a three-government federation, greater autonomy for Zanzibar, reduction in Union matters, from Zanzibar, was a demand for the right to self-determination, a democratic demand. Jumbe may have agitated the demand from Zanzibar but he did not invent it. If anything, his position in limiting the issue to a legal one requiring interpretation and determination of a constitutional court was eminently an exercise in moderation. But, it was turned into a mortal 'sin'. Nyerere, true to his pragmatic approach, wanted the Union to remain a party affair to be resolved within the chambers of the party *in camera* under his control. A constitutional case on the matter would have brought it out in the open beyond his and the party's control. In this, Nyerere was greatly mistaken.

Any association between states based on agreement and consent of the people involves distribution of power. Such agreement is reduced and recorded in a politico-legal instrument called the constitution. Inevitably, disputes arise as to the exact parameters of distribution of power and questions of jurisdiction. Therefore, such instruments invariably provide for means and mechanisms of resolving disputes. The 1977 Constitution, at Jumbe's insistence, stipulated such an organ, albeit with severe legal shortcomings. When Jumbé attempted to invoke the jurisdiction of the court, he found himself provoking Nyerere's wrath. Jumbé fell from power and Nyerere failed in providing an example of African unity based on democracy and constitutionalism.

Following Jumbé's resignation, Zanzibar adopted a new constitution. The Union government stuck to the 1977 constitution in spite of the fact that almost half of its provisions were amended. Another opportunity to put the Union Constitution firmly on a democratic and legitimate foundation with the consent of the people was missed. Nyerere stepped down in 1985. His successors in the next 20 years reversed many of his positive and progressive achievements including his great Pan-African vision. However, they stuck to his pragmatism in the case of the Union and made it even worse by giving free vent to narrow, chauvinistic nationalisms.

The new millennium found the African continent smarting under structural adjustment programmes and neo-liberal policies imposed by international financial institutions and the so-called donors. Imperialism under the new name of globalisation is on the offensive; the national project has been defeated, proving the great Pan-Africanists like Nkrumah and Nyerere right. State nationalism not only undermined Pan-Africanism but also failed to defend territorial nationalism.

For every action, there is a reaction. Wherever there is oppression there is bound to be resistance. The African people are reacting. There is a resurgence of African nationalism and Pan-Africanism,³⁷ raising hope, as there is also a revival of narrow nationalisms based on race,

³⁷ See, for instance, essays in Yieke ed. 2005.

ethnicity, indigenusness and culture, spawning violence, civil strife, wars and disintegration. One lesson that the Tanganyika–Zanzibar Union clearly teaches is that a durable African Unity cannot be built on the foundation of narrow nationalisms. Another lesson is that unity must be founded on democracy, must be bottom-up rather than statist, top-down. As one leading African scholar says, “New Pan-Africanism must be anchored in democracy.”³⁸

The final lesson is that the new Pan-Africanism has to be anti-imperialist. The conception of African Unity that is not anti-imperialist is likely to degenerate into subservience to foreign powers, which, for example, is apparent in NEPAD. Adebayo Adedeji argues that NEPAD’s objective is to strengthen the hold of imperialism on Africa ‘by tying the African canoe firmly to the West’s neo-liberal ship on the waters of globalisation’.³⁹ The last word must belong to the great Pan-Africanist Nyerere for his vision in spite of his practical failures. In his failures, Nyerere proved his vision. As he recounted the failure of the first generation of African nationalists to achieve African unity on the fortieth anniversary of Ghana’s independence in 1997, he warned Africans not to sink into narrow tribal or linguistic nationalisms.

[A]ccepting the fact that we are Africans gives you a much more worthwhile challenge than the current desperate attempts to fossilize Africa into the wounds inflicted upon it by the vultures of imperialism.

Do not be proud of your shame. Reject the return to the tribe ...

[I]t is utter madness to think that if these artificial, unviable states which we are trying to create are broken up into tribal components and we turn those into nation states, we might save ourselves.

Reject the nonsense of dividing African peoples into Anglophones, Francophones and Lusophones. This attempt to divide

³⁸ Thandika Mkandawire at a Seminar in honour of Issa Shivji, Nairobi, December 2006.

³⁹ Adedeji 2002 in Nyong’o et al 2002: p. 42.

our peoples according to the language of their former colonial masters must be rejected with the firmness and utter contempt it rightly deserves. The natural owners of those wonderful languages are busy building a united Europe. But Europe is strong, even without unity. It has less need of unity and the strength that comes from unity than Africa.

Africa must unite! This was the title of one of Kwame Nkrumah's books. That call is more urgent today than ever before. Together, we the peoples of Africa will be incomparably stronger internationally than we are now with our multiplicity of unviable states. The needs of our separate countries can be, and are being, ignored by the rich and powerful. The result is that Africa is marginalised when international decisions affecting our vital interests are made.⁴⁰

⁴⁰ Nyerere 1997.

Appendix 1

Legislative Powers Law

Gazette Extraordinary

The

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GENERAL NOTICE No. 111

LEGAL SUPPLEMENT

The under-mentioned Legal Notice is published in the Legal Supplement to this number of the *Zanzibar Gazette Extraordinary*: —

The Legislative Powers Law, 1964

ZANZIBAR,

3rd February, 1964

W. DOURADO,

Acting Attorney-General

Legal Supplement (Part II) to the Zanzibar Gazette
Extraordinary
Vol. LXXIII. No. 4337, of 6th February, 1964

THE LEGISLATIVE POWERS LAW, 1964

IN EXERCISE of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary Council in conjunction with the Cabinet of Ministers hereby makes the following laws: —

1. This law may be cited as the Legislative Powers Law, 1964. Short title

2. The power to make law for the government of the People's Republic of Zanzibar is hereby vested in the President of the Republic acting by and with the advice and consent of the Revolutionary Council. Power to Legislate

Signed by the Members of the Revolutionary Council, this 31st day of January, 1964.

President Abeid Karume

Vice-President Abdulla Kassim Hanga

Hon. Abdulrahman Muhammed Babu

Hon. Hasnu Makame

Hon. Aboud Jumbe

Hon. Saleh Saadalla

Hon. Idris Abdul Wakyl

Hon. Othman Shariff

Hon. Abdul Aziz Twala

Hon. Hassan Nassor Moyo

Field Marshal John Okello

The Commissioner of Police—Mr. Edington Kisassi

Hon. Yusuf Himid
Hon. Seif Bakari
Hon. Ramadhan Haji
Hon. A. S. Natepe
Hon. Pili Khamis
Hon. Khamis Hemedi
Hon. Hamid Ameir Ali
Hon. Said Idi Bavuai
Hon. Said wa Shoto
Hon. Muhammed Abdulla
Hon. Abdulla Mfarinyaki
Hon. Hafidh Suleiman
Hon. Khamis Darwesh
Hon. Khamis Abdulla Ameir
Hon. Muhammed Mfaume Omar
Hon. Muhsin bin Ali
Hon. Muhammed Juma
Hon. Daud Mahmoud.

APPENDIX 2 (i)

Constitutional Law Decree No. 5

I ASSENT

ABEID A. KARUME,
President

PRESIDENTIAL DECREE No. 5 of 1964

CONSTITUTIONAL DECREE PROVIDING FOR CONSTITUTIONAL GOVERNMENT AND THE RULE OF LAW

IN EXERCISE of the powers conferred by the Legislative Powers Law, 1964, the President of the Republic by and with the advice and consent of the Revolutionary Council hereby makes the following Decree: —

1. This Decree shall be cited as the Constitutional Government and the Rule of Law Decree, 1964.

Short title.

2. The Peoples' Republic of Zanzibar is a Democratic State dedicated to the rule of law. The President as Head of State, validates legislation by his assent. As an interim measure, legislative power resides in the Revolutionary Council and is exercised on its behalf and in accordance with its laws by the President. The principal executive power is exercised on behalf of the Revolutionary Council and with its advice by the Cabinet of Ministers individually and collectively; the principal judicial power is exercised on behalf of the Revolutionary Council by the Courts, which shall be free to decide issues before them solely in accordance with law and public policy.

President to validate legislation and to exercise legislative power; Cabinet to exercise executive power and Courts to exercise judicial power.

Revolutionary Council to enact Decrees. Constituent Assembly and the Constitution of Zanzibar.

3. The Revolutionary Council, in addition to its ordinary law-making functions, shall progressively enact Constitutional Decrees which shall form the basic law of the Peoples' Republic of Zanzibar. Not later than January 11th, 1965, a Constituent Assembly of the Zanzibar People shall be convened to pass upon these and other basic provisions which, after having received the assent of the Constituent Assembly, shall be the Constitution of Zanzibar.

Made at Zanzibar, this 25th day of February, 1964.

SALIM SAID RASHID,
Secretary to the Revolutionary Council

APPENDIX 2 (ii)

Decree indefinitely postponing Constituent Assembly

I ASSENT
ABEID A. KARUME,
President

PRESIDENTIAL DECREE No. 4 OF 1965

A DECREE TO AMEND THE CONSTITUTIONAL GOVERNMENT AND THE RULE OF LAW DECREE, 1964

IN EXERCISE of the power, conferred by the Legislative Powers Law, 1964, the President for Zanzibar by and with the advice and consent of the Revolutionary Council hereby makes the following Decree: —

Short title and commencement. Presidential Decree No. 5 of 1964.

1. This Decree may be cited as the Constitutional Government and the Rule of Law (Amendment) Decree, 1965 and shall be read as one with the Constitutional Government and the Rule of Law Decree, 1964, hereinafter referred to as the principal Decree and shall be deemed to have come into operation on the 11th day of January, 1965.

Section 3 of the principal Decree amended.

2. Section 3 of the principal Decree is amended by deleting therefrom the words and figures "January 11th, 1965," appearing in the fourth line thereof and substituting therefor the words "a day to be appointed by the President".

Made at Zanzibar, this 27th day of February, 1965.

MAKAME MZEE,
Secretary to the Revolutionary Council

Appendix 3

Articles of Union

THE ARTICLES OF UNION
between
THE REPUBLIC OF TANGANYIKA
AND
THE PEOPLE'S REPUBLIC OF ZANZIBAR.

WHEREAS the Governments of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar, being mindful of the long association of the peoples of these lands and of their ties of kinship and amity, and being desirous of furthering that association and strengthening of these ties and of furthering the unity of African peoples, have met and considered the union of the Republic of Tanganyika with the Peoples' Republic of Zanzibar:

AND WHEREAS the Governments of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar are desirous that the two Republics shall be united in one Sovereign Republic in accordance with the Articles hereinafter contained:-

It is therefore AGREED between the Government of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar as follows:-

- (i) The Republic of Tanganyika and the Peoples' Republic of Zanzibar shall be united in one Sovereign Republic.
- (ii) During the period from the commencement of the union until the Constituent Assembly provided for in Article (vii) shall have met and adopted a Constitution for the united Republic (hereinafter referred to as the interim period), the united Republic shall be governed in accordance with the provisions of Articles (iii) to (vi).

- (iii) During the interim period the Constitution of the united Republic shall be the Constitution of Tanganyika so modified as to provide for-
 - (a) a separate legislature and executive in and for Zanzibar from time to time constituted in accordance with the existing laws of Zanzibar and having exclusive authority within Zanzibar for matters other than those reserved to the Parliament and Executive of the united Republic;
 - (b) the offices of two Vice-Presidents one of whom (being a person normally resident in Zanzibar) shall be the Head of the aforesaid executive in and for Zanzibar and shall be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar;
 - (c) the representation of Zanzibar in the Parliament of the United Republic;
 - (d) such other matters as may be expedient or desirable to give effect to the united Republic and to these Articles.
- (iv) There shall be reserved to the Parliament and Executive of the united Republic the following matters-
 - (a) The Constitution and Government of the united Republic.
 - (b) External Affairs.
 - (c) Defence.
 - (d) Police.
 - (e) Emergency Powers.
 - (f) Citizenship.
 - (g) Immigration.
 - (h) External Trade and Borrowing.
 - (i) The Public Service of the united Republic.
 - (j) Income Tax, Corporation Tax, Customs and Excise.
 - (k) Harbours, Civil Aviation, Posts and Telegraphs.

And the said Parliament and Executive shall have exclusive authority in such matters throughout and for the purposes of the

united Republic and in addition exclusive authority in respect of all other matters in and for Tanganyika.

- (v) The existing laws of Tanganyika and of Zanzibar shall remain in force in their respective territories subject:-
 - (a) to any provision made hereafter by a competent legislature;
 - (b) to such provision as may be made by order of the President of the united Republic for the extension to Zanzibar of any law relating to any of the matters set out in Article (iv), and the revocation of any corresponding law of Zanzibar;
 - (c) to such amendments as may be expedient or desirable to give effect to the union and to these Articles.
- (vi) (a) The first President of the united Republic shall be Mwalimu Julius K. Nyerere and he shall carry on the Government of the united Republic in accordance with the provisions of these Articles and with the assistance of the Vice-Presidents aforesaid and of such other ministers and officers as he may appoint from Tanganyika and Zanzibar and their respective public services.
 - (b) The first Vice-President from Zanzibar to be appointed in accordance with the modifications provided for in Article 3 shall be Sheikh Abeid Karume.
- (vii) The President of the united Republic in agreement with the Vice-President who is head of the Executive in Zanzibar shall:-
 - (a) Appoint a Commission to make proposals for a Constitution for the united Republic.
 - (b) Summon a Constituent Assembly composed of Representatives from Tanganyika and from Zanzibar in such numbers as they may determine to meet within one year of the commencement of the union for the purpose of considering the proposals of the Commission aforesaid and to adopt a Constitution for the united Republic.

- (viii) These Articles shall be subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the Peoples' Republic of Zanzibar in conjunction with the Cabinet of Ministers thereof, ratifying the same and providing for the Government of the United Republic and of Zanzibar in accordance therewith.

IN WITNESS WHEREOF Julius K. Nyerere, the President of the Republic of Tanganyika and Abeid Karume, the President of the People's Republic of Zanzibar, have signed these Articles, in duplicate, at Zanzibar, on this twenty-second day of April, 1964.

Appendix 4

Ratification Law passed by Tanganyika Parliament

UNION OF TANGANYIKA AND ZANZIBAR ACT, 1964

No. 22 OF 1964

I ASSENT,
J. K. NYERERE,
President
25TH APRIL, 1964

An Act to ratify the Articles of Union between the Republic of Tanganyika and the People's Republic of Zanzibar, to provide for the government of the United Republic and of Zanzibar, to make provision for the Modification and Amendment of the Constitution and Laws of Tanganyika for the purpose of giving effect to the Union and the said Articles, and for matters connected therewith and incidental thereto.

[25TH APRIL, 1964]

WHEREAS by Articles of Union entered into between the Government of the Republic of Tanganyika and the Government of People's Republic of Zanzibar twenty-second day of April, 1964, it was agreed that, subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the People's Republic of Zanzibar acting in conjunction with the Cabinet Ministers thereof ratifying the said Articles and providing for the Government of the United Republic and of Zanzibar in accordance therewith, the said Republics shall be united in one Sovereign Republic:

NOW THEREFORE BE IT ENACTED by the Parliament of Tanganyika:

1. This Act may be cited as the Union of Tanganyika and Zanzibar Act, 1964, and this Act and the Law of Zanzibar entitled the Union of Zanzibar and Tanganyika Law, 1964, may be together cited as the Acts of Union of Tanganyika and Zanzibar.

Short title
G.N. 1964
No. 234.

2. In this Act, unless the context otherwise requires:-
“existing law” means the written and unwritten law as it exists immediately before the Union Day (including a law enacted or made by any enactment or instrument passed or made before, and coming into operation after, that day), but does not include the Constitution of Tanganyika insofar as it provides for the government of the Republic of Tanganyika or any declaration or law, or any provision thereof, which expires with effect from the commencement of the interim Constitution;

Interpreta-
tion

“the interim Constitution” means The constitution declared by section 5 to be the Constitution by which the United Republic is to be governed during the interim period, as from time to time modified or amended;

“the interim period” means the period commencing on Union Day and expiring immediately before the commencement of a Constitution adopted by a Constituent Assembly in accordance with section 9;
“Union Day” means the day following the day on which the Acts of Union of Tanganyika and Zanzibar are enacted or, if they are enacted on different days, the day following the day of the latter enactment.

3. The Articles of Union between the Government of the People’s Republic of Zanzibar and the Republic of Tanganyika (which Articles are set out in the Schedule to this Act) are hereby approved and ratified.

Ratification
of Articles
of Union

4. The People’s Republic of Zanzibar and the Republic of Tanganyika shall, upon Union Day and forever

Declaration
of the
United
Republic

after, be united into one Sovereign Republic by the name of the United Republic of Tanganyika and Zanzibar.

5. (1) Subject to the provisions of this section and to any Act of the Parliament of the United Republic whereby the provisions of the interim Constitution of the United Republic may be altered, the United Republic shall be governed during the interim period in accordance with the provisions of the Constitution of the Republic of Tanganyika as so modified as to provide—

Interim
Constitu-
tion of the
United
Republic
Tanganyika
C.A. Act 1

- (a) for the reservation to the Parliament and Executive of the United Republic of the following matters:-
 - i) The Constitution and government of the United Republic;
 - ii) External Affairs;
 - iii) Defence;
 - iv) Police;
 - v) Emergency Powers;
 - vi) Citizenship;
 - vii) Immigration;
 - viii) External trade and borrowing;
 - ix) the Public Service of the United Republic;
 - x) Income tax, corporation tax, customs and excise duties;
 - xi) Harbours, civil aviation, posts and telegraphs.

And for the exclusive authority of the said Parliament and Executive in such matters throughout and for the United Republic and in all other matters in and for Tanganyika;

- (b) for a separate Legislature and Executive for Zanzibar constituted in accordance with the existing law of Zanzibar (or as so varied or replaced from time to time in accordance with such existing law), and for the exclusive author-

ity of the said Legislature and Executive in and for Zanzibar in matters other than those reserved, in accordance with paragraph (a) of this subsection, to the Parliament and Executive of the United Republic;

- (c) for the appointment of two Vice-Presidents of the United Republic, one of whom shall be a person normally resident in Zanzibar and for such Vice-President to be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar and, under the style of the President of Zanzibar, to be the head of the aforesaid Executive for Zanzibar;
- (d) for the representation of Zanzibar in the Parliament of the United Republic; and
- (e) for such other matters as may be expedient or desirable to give effect, or enable effect to be given, to the Union and to the Articles of Union.

(2) The modifications of the Constitutions of Tanganyika, provided for in subsection (1) of this section shall be made by Decree of the President of the United Republic and the power of the said President in that behalf may be exercised from time to time; and such Decrees, and any amendments, variations or substitutions thereof made in the like manner, shall have effect for the modification of the Constitution of Tanganyika for the purposes of this section and for the alteration of the interim Constitution of the United Republic, notwithstanding the provisions of section 35 of the said Constitutions.

(3) In this section—

- (a) references to the Constitution of Tanganyika include references to sections 3, 19, 20, 21, 23 and 26 of and Parts, I, II and III of the Second Schedule to the Republic of Tanganyika (Con-

C.A. Act 2

- sequential, Transitional and Temporary Provisions) Act, 1962;
- (b) references to an Act of the Parliament of the United Republic by which the provisions of the Interim Constitution may be altered are references to an Act the Bill for which has been passed in the manner prescribed by section 35 of the said interim Constitution;
 - (c) references to the exclusive authority of the Parliament of the United Republic or of the Legislature for Zanzibar shall not be construed as precluding that Parliament or Legislature from conferring on any person or authority the power to make provisions in relation to matters within their respective authorities which have the force of law or from conferring the force of law on any such provisions made by any person or authority and references to the exclusive authority of the Executive of the United Republic or of Zanzibar shall not be construed as precluding a competent legislature from conferring or providing for the delegation of functions in relation to matters within its authority upon or to any other person or authority.

6-(1) The first President of the United Republic shall be Mwalimu JULIUS KAMBARAGE NYERERE.

(2) The first Vice-President appointed from Zanzibar in accordance the modifications provided for in paragraph (c) of subsection (1) of section 5 shall be Sheikh ABEID KARUME.

(3) On the commencement of the interim Constitution, the said President shall make such provision for the constitution of offices in the service of the United Republic, and for appointments to such offices

The administration of the government of the United Republic

(including appointments by way of transfer of persons who immediately before Union Day held office in the service of the Republic of Tanganyika or the People's Republic of Zanzibar) as he shall think necessary or expedient.

7. On the commencement of the interim Constitution of the United Republic, the Constitution of Tanganyika shall cease to have effect for the government of Tanganyika as a separate part of the United Republic.

No separate Constitution for Tanganyika

8. (1) Subject to the provisions of this section, on and after Union Day the existing law of Tanganyika and of Zanzibar shall continue to be the law in the territories of Tanganyika and of Zanzibar respectively, save in so far as it is thereafter amended, modified, repealed or revoked by competent authority or any provision thereof expires, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Union of the two Republics and with the provisions of the interim Constitution and of this Act; and for the avoidance of doubts it is hereby declared that the operation of the existing law on and after Union Day in accordance with the provision of this sub-section, shall not be affected by the cessation of the Constitution of Tanganyika for the government of Tanganyika as a separate part of the United Republic or by the amendment, modification, abrogation or revocation of any declaration or law of Zanzibar under which the existing law of Zanzibar was enacted or made.

The Laws of the United Republic

(2) The President of the United Republic may, during the interim period, by Decree -

(a) extend any existing law of Tanganyika which relates to any of the matters set out in paragraph (a) of subsection (1) of section 5 to Zanzibar as part of the law thereof and repeal or revoke any law of Zanzibar corresponding to, or inconsistent with, any law so extended;

(b) make such amendments, adaptations and modifications (including provisions for the construction of laws) to the existing law of Tanganyika (including any such law extended to Zanzibar under paragraph (a) of this subsection) as may appear to him to be necessary or expedient for bringing the same into conformity with the provisions of the interim Constitution or for giving effect or enabling effect to be given to the Union;

(c) make such transitional, consequential and temporary provision in respect of any of the matters set out in paragraph (a) of sub-section (1) of section 5, or in relation to the existing law of Tanganyika, as may appear to him to be necessary or expedient for giving effect or enabling effect to be given to the Union.

(3) Where the President makes a Decree under this section in relation to an Act of the Common Services Organization, that Decree shall have effect so to amend that Act in and in relation to any person or matter connected with the United Republic, or to any part thereof to which the decree relates, notwithstanding any provisions of the Interpretation and General Clauses Ordinance.

9. (1) A Constituent Assembly summoned in accordance with the Articles of Union shall have power to ratify and adopt a Constitution for the Government of the United Republic, to make provision consequential on, and supplemental to, the new Constitution and to make such other provision as the Constituent Assembly think fit, and such powers may be exercised notwithstanding any power in that behalf vested in the Parliament of the United Republic or in the Legislature for Zanzibar.

Constituent
Assembly

(2) The provisions of the Constituent Assembly shall be made in such form and manner as may be prescribed by Decree of the President of the United Republic, acting with the agreement of the

Vice-President who is the head of the Executive for Zanzibar, and when so made shall have the force of law throughout the United Republic, or such parts thereof as may be specified therein, and may be cited as Acts of the Constituent Assembly.

(3) Subject to any Act of the Constituent Assembly, nothing in this section shall be construed as affecting the exercise by the Parliament of the United Republic, or the National Assembly of the Parliament their respective functions under any law in force during the continuance of the interim Constitution.

(4) On the commencement of a Constitution adopted by the Constituent Assembly, the power to summon a Constituent Assembly and the powers of the Constituent Assembly to make any provision which it is empowered to make under the Articles of Union or this Act shall expire.

10. (1) Decrees of the President of the United Republic made in accordance with the provisions of this Act -

Decrees
of the
President

- (a) shall be published in the *Gazette* of the United Republic and shall be laid before the National Assembly of the Parliament of the United Republic;
- (b) shall have effect as if enacted in this Law;
- (c) may provide for the making of rules, orders and schemes thereunder and for the delegation of powers.

(2) The provisions of paragraph (a) shall not affect the operation of any Decrees of the President of the United Republic prior to the date on which they are laid before the said National Assembly, but subject to the foregoing, the provisions of section 27 of the Interpretation and General Clauses Ordinance shall apply in relation to such Decrees.

Appendix 5

Ratification Law purportedly passed by Zanzibar Legislature

GOVERNMENT NOTICE No. 243 published on 1/5/64

THE UNION OF ZANZIBAR AND TANGANYIKA LAW, 1964

It is hereby notified that the following law was made by the Revolutionary Council of Zanzibar in conjunction with the Cabinet of Ministers thereof, on twenty-fifth day of April, 1964.

Dar es Salaam.

27th April, 1964

P. R. NINES FIFOOT,

Ag. Solicitor-General

A LAW TO RATIFY THE ARTICLES OF UNION BETWEEN THE PEOPLE'S REPUBLIC OF ZANZIBAR AND THE REPUBLIC OF TANGANYIKA, TO PROVIDE FOR THE GOVERNMENT OF THE UNITED REPUBLIC AND OF ZANZIBAR, TO MAKE PROVISION FOR THE MODIFICATION AND AMENDMENT OF THE LAW OF ZANZIBAR FOR THE PURPOSE OF GIVING EFFECT TO THE UNION, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

WHEREAS by Articles of Union entered into between the Government of the People's Republic of Zanzibar and the Government of the Republic of Tanganyika on the twenty-second day of April, 1964, it was agreed that, subject to the enactment of laws by the Revolutionary Council in conjunction with the Cabinet of Ministers of Zanzibar, and by the Parliament of Tanganyika, ratifying the said Articles and providing for the government of the United Republic and of Zanzibar in accordance therewith, the said Republics shall be united in one Sovereign Republic.

THEREFORE, in exercise of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary

Council in conjunction with the Cabinet of Ministers hereby makes the following Law:-

Short title

1. This Law may be cited as the Union of Zanzibar and Tanganyika Law, 1964, and this Law and the Act of Tanganyika entitled the Union of Tanganyika and Zanzibar Act, 1964, may be together cited as the Acts of Union of Tanganyika and Zanzibar.

Interpretation

2. In this Law, unless the context otherwise requires :-

“existing Law” means the written and unwritten law as it exists immediately before Union Day (including a law enacted or made by any enactment or instrument passed or made before, and coming into operation after, that day), but does not include any declaration or law, or any provision thereof, which expires with effect from the commencement of the interim Constitution;

“the interim Constitution” means the constitution declared by section 5 to be the Constitution by which the United Republic is to be governed during the interim period, as from time to time modified or amended;

“the interim period” means the period commencing on Union Day and expiring immediately before the commencement of a Constitution adopted by a Constituent Assembly in accordance with section 9;

“Union Day” means the day following the day on which the Acts of Union of Tanganyika and Zanzibar are enacted, or, if they are enacted on different days, the day following the day of the later-enactment.

3. The Articles of Union between the Government of the People's Republic of Zanzibar and the Republic of Tanganyika (which Articles are set out in the Schedule to this Act) are hereby approved and ratified.

Ratification
of Articles
of Union

4. The People's Republic of Zanzibar and the Republic of Tanganyika shall, upon Union Day and ever after, be united into one Sovereign Republic by the name of the United Republic of Tanganyika and Zanzibar.

Declaration
of the
United
Republic

5. (1) Subject to the provisions of this section and to any Act of the Parliament of the United Republic whereby the provisions of the Interim Constitution of the United Republic may be altered, the United Republic shall be governed during the interim period in accordance with the provisions of the Constitution of the Republic of Tanganyika as so modified as to provide-

Interim Con-
stitution of
the United
Republic

- (a) for the reservation to the Parliament and Executive of the United Republic of the following matters: -
 - i) The Constitution and Government of the United Republic;
 - ii) External Affairs;
 - iii) Defence;
 - iv) Police;
 - v) Emergency Powers;
 - vi) Citizenship;
 - vii) Immigration;
 - viii) External trade and borrowing;
 - ix) The Public Service of the United Republic;
 - x) Income tax, corporation tax, customs and excise duties;
 - xi) Harbours, Civil aviation, Posts and telegraphs;

and for the exclusive authority of the said Parliament and Executive in such matters throughout and

for the United Republic and in all other matters in and for Tanganyika;

- (b) for a separate Legislature and Executive for Zanzibar constituted in accordance with the existing law of Zanzibar (or as so varied or replaced from time to time in accordance with such existing law), and for the exclusive authority of the said Legislature and Executive in and for Zanzibar in matters other than those reserved, in accordance with paragraph (a) of this subsection, to the Parliament and Executive of the United Republic;
- (c) for the appointment of two Vice-Presidents of the United Republic, one of whom shall be a person normally resident in Zanzibar, and for such Vice-President to be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar and, under the style of President of Zanzibar, shall be the head of the aforesaid Executive for Zanzibar;
- (d) for the representation of Zanzibar in the Parliament of the United Republic; and
- (e) for such other matters as may be expedient or desirable to give effect, or enable effect to be given, to the Union and to the Articles of Union.

(2) The modifications to the Constitution of the Republic of Tanganyika provided for in subsection (1) of this section shall be made by Decree of the President of the United Republic and the powers of the said President in that behalf may be exercised from time to time; and such Decrees, and any amendments, variations or substitutions thereof made in the like manner, shall have effect for the modification of the Constitution of Tanganyika for the purposes of this section, and for the alteration of the interim Constitution of the United

Republic, notwithstanding the provisions of section 35 of the said Constitutions.

(3) In this section -

Tanganyika
C.A. Act 2

- (a) references to the Constitution of Tanganyika include references to sections 3, 19, 20, 21, 23 and 26 of, and Paris I, II and III of the Second Schedule to, the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962, of Tanganyika;
- (b) references to an Act of the Parliament of the United Republic by which the provision of the interim Constitution may be altered are references to an Act the Bill for which has been passed in the manner prescribed by section 35 of the said interim Constitution;
- (c) references to the exclusive authority of the Parliament of the United Republic or of the Legislature for Zanzibar shall not be construed as precluding that Parliament or Legislature from conferring on any person or authority the power to make provisions in relation to matters within their respective authorities which have the force of law or from conferring the force of law on any such provisions made by any person or authority, and references to the exclusive authority of the Executive of the United Republic or of Zanzibar shall not be construed as precluding a competent legislature from conferring or providing for the delegation of functions in relation to matters within its authority upon or to any other person or authority.

The admin-
istration of
the Gov-
ernment of
the United
Republic

6.-(1) The first President of the United Republic shall be Mwalimu JULIUS KAMBARAGE NYERERE.

(2) The first Vice-President appointed from Zanzibar in accordance with the modifications provided for

in paragraph (c) of subsection (1) of section 5 shall be Sheikh ABEID KARUME.

(3) On the commencement of the interim Constitution, the said President shall make such provision for the constitution of offices in the service of the United Republic, and for appointments to such offices (including appointments by way of transfer of persons who, immediately before Union Day, held office in the service of the People's Republic of Zanzibar or the Republic of Tanganyika) as he shall think necessary and expedient.

7.-(1) Subject to the provisions of this section, the provisions of the Constitutional laws of Zanzibar relating to the legislative and executive authorities of the People's Republic of Zanzibar shall apply, after the commencement of the interim Constitution, to the Legislature and Executive for Zanzibar provided for in paragraph (b) of subsection (1) of section 5:

The Legis-
lature and
Executive
of Zanzibar

Provided that nothing in any Constitutional or other law of Zanzibar shall be construed as conferring upon, or empowering the exercise by, the Legislature or Executive for Zanzibar of any authority which, under the interim Constitution, is vested exclusively in the Parliament or Executive of the United Republic.

(2) In this section, the expression "Constitutional laws of Zanzibar" means—

(a) the Declaration of the Supreme Authority in the People's Republic of Zanzibar which was notified by General Notice No. 69 published in the *Zanzibar Gazette* on the Twenty-fifth day of January, 1964;

(b) the Legislative Powers Law, 1964; and

(c) The Cabinet Decree, 1964; and

(d) The Constitutional Government and Rule of Law Decree, 1964 and any law made in accordance with any of the foregoing which amend or replace the same.

Presiden-
tial Decrees
Nos. 4 and
5 of 1964

8.-(1) Subject to the provisions of section 7 and of this section, on and after Union Day the existing law of Zanz-

The laws of
the United
Republic

ibar and of Tanganyika shall continue to be the law in the territories of Zanzibar and of Tanganyika respectively, save in so far as it is thereafter amended, modified, repealed or revoked by competent authority or any provision thereof expires, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Union of the two Republics, and with the provisions of the interim Constitution and of this law; and in particular, but without prejudice to the generality of the foregoing, as if the references of the President or Vice-President of the People's Republic of Zanzibar in the laws of Zanzibar relating to the Legislature and Executive for Zanzibar, or to any matter that is not a matter reserved in accordance with the provisions of paragraph (a) of subsection (1) of section 5 to the Parliament or Executive of the United Republic, were references to the President of Zanzibar as head of the Executive for Zanzibar or his deputy respectively.

(2) The President of the United Republic may, during the interim period, by Decree—

(a) extend any existing law of Tanganyika which relates to any of the matters set out in paragraph (a) of subsection (1) of section 5 to Zanzibar as part of the law thereof and repeal or revoke any law of Zanzibar corresponding to, or inconsistent with, any law so extended;

(b) make such amendments, adaptations and modifications (including provisions for the construction of laws) to the existing law of Tanganyika (including any such law extended to Zanzibar under paragraph (a) of this subsection) as may appear to him to be necessary or expedient for bringing the same into conformity with the provisions of the interim Constitution or for giving effect or enabling effect to be given to the Union;

(c) make such transitional, consequential and temporary provision in respect of any of the matters set out

in paragraph (a) of subsection (1) of section 5, or in relation to the existing law of Tanganyika, as may appear to him to be necessary or expedient for giving effect or enabling effect to be given to the Union.

(3) Where the President makes a Decree under this section in relation to an Act of the East African Common Services Organization, that Decree shall have effect so as to amend the law in and in relation to any person or matter connected with the United Republic, or to any part thereof to which the Decree relates, notwithstanding any provision of the Interpretation and General Clauses Ordinance of Tanganyika.

Cap. 1

9. (1) A Constituent Assembly summoned in accordance with the Articles of Union shall have power to ratify and adopt a Constitution for the government of the United Republic, to make provision consequential on, and supplemental to, the new Constitution and to make such other provision as the Constituent Assembly think fit, and such powers may be exercised notwithstanding any power in that behalf vested in the Parliament of the United Republic or in the Legislature for Zanzibar.

Con-
stituent
Assembly

- (2) The provisions of the Constituent Assembly shall be made in such form and manner as may be prescribed by decree of the President of the United Republic, acting with the agreement of the President of Zanzibar as Head of the Executive for Zanzibar, and when so made shall have the force of law throughout the United Republic, or such parts thereof as may be specified therein, and may be cited as Acts of the Constituent Assembly.
- (3) Subject to any Act of the Constituent Assembly, nothing in this section shall be construed

as affecting the exercise by the Parliament of the United Republic, or the National Assembly of the Parliament of the United Republic, or Legislature for Zanzibar, as such, of their respective functions under any law in force during the continuance of the interim Constitution.

- (4) On the commencement of a Constitution adopted by the Constituent Assembly, the power to summon a Constituent Assembly and the powers of the Constituent Assembly to make any provision which it is empowered to make under the Articles of Union and this Law shall expire.

Decrees of
the President

10. (1) Decrees of the President of the United Republic made in accordance with the provisions of this Law -

- (a) shall be published in the *Gazette* of the United Republic and shall be laid before the National Assembly of the Parliament of the United Republic;
- (b) shall have effect as if enacted in this Law;
- (c) may provide for the making of rules, orders and schemes thereunder and for the delegation of powers.

(2) The provisions of paragraph (a) shall not affect the operation of any Decrees of the President of the United Republic prior to the date on which they are laid before the said National Assembly, but subject to the foregoing, the provisions of section 27 of the Interpretation and General Clauses Ordinance of Tanganyika shall apply in relation to such Decrees.

Appendix 6

Union law postponing the summoning of the Constituent Assembly

THE UNTIED REPUBLIC OF TANZANIA
No. 18 OF 1965

I ASSENT,
J.K NYERERE
President

24TH MARCH, 1965

An Act to extend the time for the summoning of a Constituent Assembly

[26TH MARCH, 1965]

ENACTED by the Parliament of the United Republic of
Tanzania.

1. This Act may be cited as the Constituent Assembly Act, 1965 and shall be read as one with the Acts of Union of Tanganyika and Zanzibar.

Short title
and construction
Acts 1964
No. 22 G.N.
1964 No. 243

2. Notwithstanding the provisions of the Acts of Union of Tanganyika and Zanzibar or the Articles of Union between the former Republic of Tanganyika and the former People's Republic of Zanzibar, the President of the United Republic shall not be required to appoint a Commission to make proposals for a Constitution for the United Republic, or to summon a meeting of a Constituent Assembly for the consideration of such proposals and the adoption of such Constitution, within one year of the commencement of the Union, but the President, acting in agreement with the Vice-President who

Extension of
time for
appointing
Commission
and summoning
Constituent
Assembly

is head of the Executive for Zanzibar shall appoint such Commission and summon such Constituent Assembly at such times as shall be opportune.

3. Notwithstanding the provisions of the Acts of Union of Tanganyika and Zanzibar, the references in those Acts to a Constituent Assembly shall be construed as references to a Constituent Assembly summoned in accordance with section 2 of this Act but otherwise provided for in the Articles of Union and the interim period therein provided shall be extended accordingly.

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 35 of the Constitution.

Dar es Salaam,
24th March, 1965

A. S. MKWAWA,
Speaker

Passed in the National Assembly on the eighteenth day of March, 1965.

P. MSEKWA,
Clerk of the National Assembly

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This is a lucid study of the background and the major dramas of the union of Tanganyika and Zanzibar. It studies the personalities and their politics, and includes a gripping account of the Dodoma CCM conference that toppled President Jumbe. It is also a meticulously detailed and illuminating legal analysis of the union constitution, incorporating powerful new material.

Issa Shivji has an intimate and wide-ranging knowledge of his subject and leads the reader through it with characteristic clarity.

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Abdul Sheriff

Executive Director, Zanzibar Indian Ocean Research Institute

This work is not just of relevance to Tanzanians but to the whole of Africa. The on-going debate at both the grassroots and at the highest levels of African governments on the feasibility of a Union of Africa in our lifetime would benefit from this work.

Haroub Othman

Professor, Institute of Development Studies, University of Dar es Salaam

While in the 50s and 60s pan africanism was nationalist, anti-imperialist and potentially democratic, it has gradually adjusted to the pragmatic targets of non democratic power systems, moving away from anti imperialism. Shivji's brilliant and convincing analysis of the Tanganyika/Zanzibar Union, is an indispensable reading for those who continue to struggle for African peoples' liberation.

Samir Amin

Director, Third World Forum

Issa G. Shivji is Professor of Law. He formally retired from the University of Dar es Salaam in 2006 after 36 years of service. He has written over a dozen books including *Class Struggles in Tanzania* (1976), *The Concept of Human Rights in Africa* (1989) and *Let the People Speak: Tanzania down the Road to Neo-liberalism* (2006).

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